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Transcript of Testimony

Before the Coroner's Jury, July 24, 25, 26, 27, 28, 29, on the body of Kate Austin and all others lost by the overturning of the Excursion Steamer Eastland while tied to the dock at Clark and S. Water Streets in the City of Chicago, July 24, 1915

PETER M. HOFFMAN, CORONER
Chicago, Cook County, Illinois

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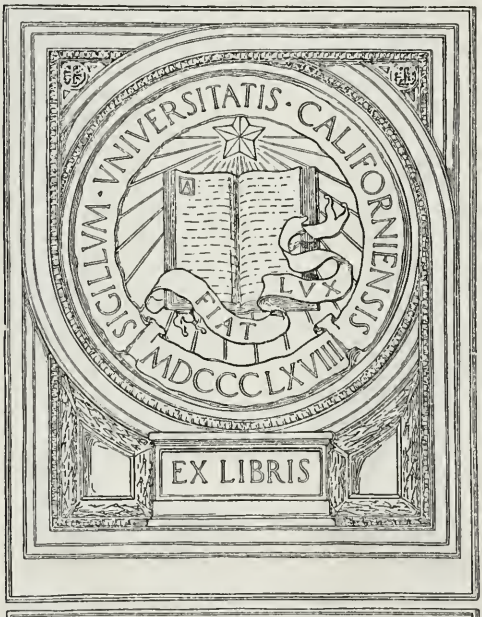
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Inquest upon the body of Kate Austin et. al., held July 24, 25, 26, 27, 28, 29, 1915, at Chicago, Illinois. This evidence applies to all lives lost on the S. S. "Eastland"

Name and Address of Witnesses.	Occupation.
R. J. Moore (5), 6217 Ingleside Av.	Salesman.
Daniel W. Gee (15), 1108 Lorel Av.	Western Electric Co.
Chas. J. Malmros (43), 6625 34th St., Berwyn, Ill.	Western Electric Co.
Walter K. Greenebaum (48), 5713 Calumet Av.	Mgr. Ind. Trans. Co.
Algernon C. Richey (108), 737 N. LaSalle St.	Solicitor.
Adam F. Weckler (112), 1143 North Shore Av.	Harbor Master.
Jos. R. Lynn (143), 6915 Princeton Av.	Asst. Harbor Master.
John H. O'Meara (167), 733 N. Dearborn St.	Master Tug Boats.
Walter C. Steele (177)	Treas. St.Joe-Chi. S.S. Co.
L. C. Wheeler (178), Chicago, Ill.	Department Justice.
Wm. J. Wood (192), 504 Postal Telegraph Bldg.	Naval Architect.
Walter C. Steele (215), St. Joseph, Mich.	Treasurer.
Martin Flatow (273), 5105 Montrose Av.	Excursion Agent.
Harry A. Pederson (291), St. Joseph, Mich.	Master Steamships.
Jos. M. Erickson (299), St. Joseph, Mich.	Marine Engineer.
Victor A. Olander (304), 3553 Belden Av.	Seamen's Union.
Fred W. Williard (327), 306 N. Elmwood Av., Oak Park	Chemical Engineer.
James Ryan (338), 3539 Colorado Av.	Bridgetender.
Fred G. Snow (340), 405 N. Gaylord Av.	Marine Engineer.
Peter Erickson (369), Christiania, Norway	Oiler.
Adelbert Fisher (398), St. Joseph, Mich.	First Mate.

ROLL-CALL OF JURORS.

Name.	Address.
W. A. EVANS	"Tribune," Chicago
HARRY C. MOIR	Boston Oyster House, Chicago
WILLIAM F. BODE	Reid, Murdoch & Co., Chicago
EUGENE V. BEIFELD	Sherman House, Chicago
JOHN S. KEOGH	Wm. F. McLaughlin & Co., Chicago
HENRY A. ALLEN	913 Galt Avenue, Chicago

C. F. KENNEDY, Deputy Coroner.

State of Illinois } ss.
County of Cook }

BEFORE THE CORONER OF COOK COUNTY.

Inquest on the Bodies of Kate Austin, et al. } Re Eastland Disaster.

Transcript of testimony taken and proceedings had at an inquest held upon the bodies of the above named deceased before CORONER PETER M. HOFFMAN, and DEPUTY CORONER CHARLES F. KENNEDY, and a jury duly impaneled and sworn, in Room 811 County Building, Chicago, Illinois, on Tuesday, July 28th, and Wednesday, July 29th, A. D. 1915.

M56593

Appearances.

MACLAY HOYNE, State's Attorney.
MICHAEL S. SULLIVAN, Assistant State's Attorney.
JOHN F. HIGGINS, Assistant State's Attorney.
A. J. SABATH, representing the Bohemian-American Societies of Chicago.
JAMES A. BARBOUR, representing the St. Joseph & Chicago Transportation Company.
M. KORSHAK, representing the Corporation Counsel of Chicago.

Reported by: W. K. ALKIRE, A. J. FLYNN, L. H. MORSE, W. C. YUNKER.

CORONER: Gentlemen, I shall ask you to keep as quiet as possible during this hearing and during this investigation, in order that the jurors and all interested may hear the evidence given here. I shall ask the Chief of Police and the Sheriff to keep absolute order. I don't want anybody around the aisles unless they can be seated, and unless they are absolutely interested, they will have to leave the room, outside of the Police and Sheriff. It is hot in this room and close and absolute order will be necessary so the jurors may hear the testimony.

Gentlemen of the Jury: You are all present. Let the record show a roll call. I wish to say to the jurors in this case, and all those interested in this case in behalf of the jurors and Coroner, that it is our intention to make a fair, thorough, and impartial investigation because of this great loss of life. We expect to take all the important evidence we can and when we have so done we expect to place the blame for this loss of life without fear or favor. We wish now to proceed to take evidence, in order to expedite matters. I desire to ask if there are any attorneys here representing any relatives of the deceased, or the owners of the Eastland? If so, kindly step forward and hand in your card in order that we may record the names.

CORONER: Let the records show that the State is represented by Mr. Hoyne, and Mr. Sullivan, and several assistants. I desire to say that the State's Attorney is co-operating with the Coroner, and it is his privilege to question—and I hope he will—the witnesses that may be heard here today, because I may not be able to bring out the full facts.

Q. Are there any attorneys here, representing any one? A. Theodore C. Robinson.

Q. Whom do you represent? A. The insurance companies.

Q. Are there any others, Mr. Barber? A. I am here so far as they need representation, interested in ascertaining the facts.

CORONER: Mr. Deputy, I have designated to you prior to the opening of this inquiry, the names of the first lot of witnesses we wish to hear, and if you will have them all brought in, I will have them sworn.

Deputy Coroner Kennedy calls witnesses, as follows: Mr. Gee; Mr. Greenebaum; Walter C. Steele; Untsede, bridge tender, Clark street; Captain Pedersen; Del Fisher; Peter Fisher; Chief Engineer Ericksen; C. F. Selernail; McKenzie; Harrigan; Al. Webber; Wm. Gordon; John M. Amora; A. D. McDonald; Captain Egan, fire department.

(All witnesses sworn by Coroner.)

CORONER: Mr. Sheriff, or the police officials in charge, will kindly take these witnesses back to the room and hold them there until we call out their respective names. After the witnesses have been examined here, those witnesses will be turned over to the State's Attorney, and he will take charge of the witnesses until such time as he feels ready to release them and turn them over to other officials. Therefore, if a witness testifies, it isn't said that he is

through. When the State gets through with a witness, with the exception of Mr. Moore, he will kindly step back in the other room with the Sheriff and police officials.

CORONER: Congressman Sabath; what is it?

CONGRESSMAN A. J. SABATH: Yesterday, at a meeting of Bohemian-American citizens of the City of Chicago, a nationality which has suffered a great deal in this disaster, I have been requested by the General Committee to represent it in any way possible. I realize, however, that the State and City and County are well represented, and if there is no objection that myself and the other gentlemen with me may be present and lend such aid as is possible in the investigation.

CORONER: I desire to say on the representations of the State's Attorney, the stenographers and reporters, they must not smoke up this room. You have taken one or two pictures.

R. J. MOORE,

called as a witness, having been first duly sworn, was examined by Coroner Hoffman, and testified as follows:

Q. What is your full name, Mr. Moore? A. R. J. Moore.

Q. Your residence and occupation? A. 6217 Ingleside avenue; salesman.

Q. Employed where? A. Murphy Varnish Company.

Q. Were you a passenger on the ill-fated steamer Eastland on Saturday last? A. Yes sir.

Q. What time did you arrive at the dock where the boat was moored? A. About 7 o'clock.

CORONER: Yes.

Q. And when the boat tipped over, on what deck were you? A. The second deck; right over the dance hall.

Q. It is my desire that you state to the jurors, the State's Attorney and the Coroner, the conditions you observed on that boat, and estimate as accurately as possible the number of passengers boarded the boat from the time you arrived there until it tipped over? A. When I started down the stairs to go onto the boat, there was a long line, five or six abreast, and as I was going along the side of the boat, I saw water coming out of there; I saw it by the ton—

Q. Out of where? A. Six or seven holes in the side of the boat.

Q. On what side? A. Toward the dock.

Q. On the starboard side? A. Well, I am not a sailor. Anyway I remarked to a gentleman, they were taking out a lot of ballast; he said, "It isn't ballast, it is exhaust steam." I thought it was throwing out a lot of steam. It was about 7:10, and the first indication of the boat listing was about eight or nine minutes before it went down, when the refrigerator in the bar was thrown over with all the bottles and made a terrific crash. I was on the second floor and could see the bottles on the floor from that end, and the boat started to list north, and if they were given a signal at that time, I think most of the people could have gotten off the boat. From that time on, the boat kept listing. I tried to get on the south side; there were a little batch of ladies and children, and I took a chance and went with the crowd. I went through the staircase, and just as I struck the floor, the water struck me. I got up in some part of the boat and worked my way through—I suppose about the width of this umbrella and maybe fourteen feet long; it was filled with women and children. They were all saved. I don't know if any of them are here or not. I was pulled out second to last by one of the firemen. I think he belonged to a tugboat. I hung on down in there for thirty-five minutes before I was taken out. When I came out, I wandered away; my clothes were all torn and I was dazed.

Q. From the time the boat first began to list to the port side, which is north, up to the time it entirely toppled over, was how long? A. I would say eight to ten minutes. The boat was going all the time—it was a peculiar action. A boat loaded——

Q. How long after you noticed the bottles on the floor and the tipping of the refrigerator, did the boat turn over completely? A. I think about eight or ten minutes.

Q. Did you hear any orders given to ask the passengers to get off the boat? A. There was no officer on deck at all.

Q. What was the condition of the crowd; the number of people on the boat? A. The crowd was very big; it was impossible to get a seat or a chair. I was on the upper deck.

Q. You mean the starboard deck—on the roof? A. On the roof.

Q. About how many people were on the roof? A. Well it is pretty hard to estimate.

Q. As near as you can estimate? A. I should judge about 800 or 900 people.

Q. What else was there up on the roof? A. I didn't pay much attention. I looked but there wasn't a seat there, and it started raining and I went down.

Q. Was there any other boat deck fitting up with chairs? A. There were seats around at different places. I don't know; I didn't pay much attention. When I started to go down, I had to wait probably four or five minutes; it is a narrow stairway and the people were going up. I walked down.

Q. Give us approximately, if you can, the number of people on the promenade deck; about how many people were on it? A. Well, an awful crowd of people.

Q. Were they crowded closely together? A. All crowded closely together. I was standing against the staircase. There was just room for them. Of course, they were naturally swaying against you.

Q. Did you observe the conditions of the spar deck, the next one below? A. That would be the dance hall. I was on the one above the dance hall.

Q. There are four, if you call the top a deck? A. Oh yes.

Q. Can you say as to whether the boat was crowded in all its various floors? A. Well, it was awfully crowded in the floor I was on.

Q. When the refrigerator tipped over, did that excite the passengers at all? A. Not very much concerned the crowd.

Q. Did they run to either one side? A. No, there was no running at all. The crowd was equally divided up.

Q. (By Mr. Sullivan) Mr. Moore, on the deck you were on, did you notice how many children there were or how many young people about the age of fifteen? A. Yes, I noticed a lot of children in their mothers' arms.

Q. (By Coroner) Pending the compiling of the figures in my office, could you give the jurors a rough estimate? A. Well, I couldn't possibly do that. There was a lot of boys and girls there from the age of eight up to fifteen, running around, having a good time, trying to locate themselves.

Q. Did you notice many children there below the age of five. A. Oh yes.

Q. Many babes in the arms of their mothers, were there not? A. Oh yes.

CORONER: Mr. State's Attorney, if there are any questions I failed to ask the witness, I turn the witness over to you.

Q. (By Mr. Sullivan) Mr. Moore, did you talk with any officer or employe of the boat before she finally went over? A. No, I had no opportunity.

Q. Did you talk to any after she went over? A. No, I was taken out and was dazed and wandered away myself.

Q. You said you saw water pouring out of a large round hole? A. Yes. sir.

Q. Just what part of the boat was this water coming from? A. Well, probably about the middle of the boat; it was this side of the entrance.

Q. You went into the boat at the stern end? A. Yes sir.

Q. How far east of that was this water pouring out? A. I should judge about 40 or 50 feet.

Q. From how many places was it pouring? A. Several places.

Q. How large were the holes from which this water was coming? A. Well, I don't know. It seemed to be a pretty large stream of water.

Q. How many of them? A. I couldn't state exactly. I talked to this gentleman about the amount of water coming out.

Q. You don't know how many different streams there were or if it was just one? A. More than one.

Q. Couldn't tell whether it was five? A. Five or six, anyhow.

Q. And the volume? A. There was one almost filled up the entire hole it came out.

Q. (By Coroner) Was it more round or oblong? A. Round.

Q. (By Mr. Sullivan) Could you tell about its size? A. Looked like twelve or fourteen inches.

Q. Have you had any experience in boat construction? A. No, not at all.

Q. Now the people on the top deck, or the hurricane deck; you couldn't get a seat. Were there more seated? A. Yes, and a great many were coming upstairs carrying chairs.

Q. But the top deck was crowded? A. Yes, but not nearly so crowded as the deck I was on.

Q. Could you make that a little more clear; say just what deck that was on? A. The deck below the top deck.

Q. It is called the promenade deck? A. Yes sir.

Q. On which side? A. The south side, near the dock.

Q. Were you in any particular room? A. No, it is kind of a promenade there, right near the staircase as they come up. There are two staircases; I was in the middle of the boat.

Q. (By Coroner) Did you purchase a ticket for this trip? A. Yes sir.

Q. From whom? A. Some man at the dock.

Q. Who took up the ticket when you entered the boat? A. One of the officers.

Q. Did you observe whether he made a registry of the ticket? A. I wouldn't think, the way the people were coming in, it would be possible for any man to register.

Q. Do you think it was impossible for the officer to check the people as fast as they were getting on? A. It looked to me impossible.

Q. How many men were doing the checking? A. Two men on the outside and two on the inside taking tickets.

Q. If these men had a register in their hands, do you suppose they could use a register in the hand in counting people? A. Possibly they could.

Q. Do you know whether they were counting or not? A. No sir.

Q. Do any attorneys desire to ask this witness any questions?

Q. (By Mr. Sabath) The side you were on was crowded, was it not? A. Yes sir; very much crowded.

CORONER: I think, Mr. Sabath, the witness testified the entire boat was crowded.

MR. SABATH: Some question was raised that the people went to the north side of the boat when a certain boat went by? A. If there was a vacant seat, sometimes a lady would have a coat there.

Q.(By Coroner) Do you think the crowd was greater on the north or south side? A. I walked over there before this crash came and walked down where the people were sitting. They were anxious for their friends; waiting for people.

JUROR: Would it be a good idea to designate one side of the boat as the dock side and the other as the river side?

Q. You were on the dock side? A. Yes sir.

Q. Could you see what was going on on the river side? A. No, there was no excitement there until the boat started.

Q. No running from one side to the other? A. No. They jumped from one seat to the other.

Q. You speak of the children running around; how do you mean? A. Running around; playing around.

Q. If they were crowded and you had difficulty in getting through, how could the children be running around? A. They were stepping on your feet and everything else.

Q. What signal did you refer to? A. The refrigerator going over. From that time it listed gradually.

Q. I understand it was so crowded, it was impossible to shove from one side to the other? A. Very little opportunity for them to crowd over.

Q. Any further questions? No response.

CORONER: Mr. State's Attorney, I turn this witness over to you.

DANIEL W. GEE,

having been called as a witness, after having been first duly sworn, was examined by the Coroner, and testified as follows:

Q. Your full name? A. Daniel W. Gee.

Q. Where do you reside? A. 1108 Lorel avenue.

Q. What is your occupation? A. Employed by the Western Electric Company.

Q. As such employe did you take part in making the arrangements for an outing of employes of the Western Electric Company and others on Saturday, last, July 24th? A. Yes sir.

Q. On the steamer Eastland? A. I made arrangements in addition to the Eastland, the Roosevelt, the United States and the other boats.

Q. In other words, you then made arrangements for a sufficient number of boats to accommodate the picnickers, is that it? A. I did.

Q. Talk a little louder, Mr. Witness. A. My mouth is a little parched.

Q. With whom did you make such arrangements? A. Mr. C. J. Malmros and I—Mr. Greenebaum and myself.

Q. Who is Mr. Malmros? A. Mr. Malmros is an employe of the Western Electric Company.

Q. Who is Mr. Greenebaum? A. I understand he is the manager of the Indiana Transportation Company.

Q. Where did you make these arrangements with him? A. At the office of the Indiana Transportation Company.

Q. Located where? A. Clark street bridge.

Q. And when did you make those arrangements? A. I do not quite remember the date.

Q. About when? A. My contract is here, it is on that, the day of contract.

Q. You made a written contract with him, did you? A. Yes sir; March 22nd.

Q. Have you that contract with you? A. Yes sir; right here.

(Same produced and handed to the Coroner.)

THE CORONER: Mr. Deputy, you will kindly read the contract so that it may become a part of the record in this case.

DEPUTY KENNEDY: It is on the letter-head of the Indiana Transportation Company Steamship Lines—March 22, 1915. (Following read):

Mr. Chas. J. Malmros, Chairman, the Central Committee, Western Electric Company, Hawthorne, Sta., Chicago, Ill.

Dear Sir:

As per conversation with Messrs. Malmros and Gee, desire to advise we shall be pleased to handle your party on an excursion from Chicago, Illinois, to Michigan City, Indiana, and return on July 24, 1915. Excursion to be known as the Western Electric Company Employes, Hawthorne Works. The round-trip rate of fare to be one dollar per adult ticket and fifty cents per child's ticket. Child's ticket to be good for children five years of age and under twelve. Twelve years or over, full fare ticket required. Under five years of age no charge to be made if infant is accompanied by parents.

We will furnish you five thousand adult tickets and 200 children's tickets printed in your name; also 5,000 pluggers for advertising. We would likewise supply you with 200 of our regular window cards advertising your excursion.

In consideration of the trip being made and your paying us a dollar for an adult ticket, we will allow your committee, if payment is made on 2,500 or more tickets, 42½c per ticket; if 3,500 or more tickets, 45c per ticket. If total number of tickets collected exceed 4,000 the reduction on such excess above 4,000 tickets will be 50c per ticket; in order that there may be no misunderstanding would state for example: If total number of tickets collected be 4,000 or under, you are to pay us 55c on each ticket; if the total number collected be 4,100 you are to pay us 55c on the 4,000 and 50 cents on the hundred tickets. If the number be 4,500 you are to pay us 55c on the 4,000 tickets and 50c on the 500 tickets. Under 4,000 tickets the basis to be made as above provided. Two children's tickets to be considered the same as one adult ticket in figuring compensation. As an indication of good faith, the sum of ten dollars is to be deposited with the Indiana Transportation Company (Notation not paid) within three days of the date of this agreement. Said sum to be applied on the settlement of the tickets. Tickets to be good on our regular steamers leaving here at 10 a. m., returning from Michigan City at 4:15 and 6:30 p. m. We, however, agree to establish a special schedule for you on Saturday, July 24, 1915, providing you guarantee payment for at least 2,500 tickets, at the rate of 57½ cents per adult ticket to us.

This schedule will provide for the steamer Theodore Roosevelt leaving Chicago at about 8 a. m., and the steamer United States or Rochester at about 10 a. m., returning, steamer Roosevelt will leave Michigan City at 11 a. m., and the steamer United States or Rochester at 4:15 p. m., steamer Roosevelt at about 6:30 p. m.

This will mean a special schedule to accommodate your people, and it will be necessary in order to put in such a schedule that you notify us not later than July 1, 1915, whether you will guarantee to us a minimum payment of at least 2,500 tickets in order to provide such schedule. Should you decide to have such a schedule arranged, you are to pay us $300 when notification is given us (notation paid July 1st, to Craig); second payment of $600 on or before Friday, July 16, 1915, and a third payment of $600 on or before Friday, July 23, 1915. All payments to be made at the office of the Indiana Transportation Company, 84 West South Water street, Chicago, Illinois. Balance to be paid to the purser of the steamer in accord with number of tickets collected if an excess of 2,500 tickets on the basis as heretofore provided. If you do not give us notice prior to July 1, 1915, that you desire to arrange for special service, we shall plan for accommodating your party on our regular schedule sailings. If the Indiana Transportation Company should reduce their regular round trip day excursion rate from one dollar, and so advertise it, a pro rata decrease shall apply on the guaranteed percentage and rate provided for in this agreement.

We shall be pleased to provide your committee with the President's room on the steamer Roosevelt and one other state-room without charge. Will also provide two state-rooms on the steamer United States or Rochester for your

committee without charge, in every way it will be our purpose to co-operate with you in order to make the trip a successful one from start to finish.

This agreement is subject to weather and other conditions beyond the control of this company. The Indiana Transportation Company reserves the right to cancel this agreement at any time if any new rules or laws be enacted, compelling material alteration of the steamer, increased expense of operating ship or causing reduction in passenger capacity of steamer below that of past year. Also in the event of Senate bill number 136 becoming operative prior to November 4th, 1915, or, at a date which would materially reduce the passenger carrying permit for the steamers heretofore mentioned. Refund of money to be deposited to be accepted as a full release for the Indiana Transportation Company for fulfilling of this agreement. Your representative to have the use of outside ticket office up to 8:30 A. M. for selling tickets. No representative to offer tickets on street as same is contrary to Chicago City ordinance.

The Indiana Transportation Company reserves the right to refuse to honor any ticket issued if the conditions or any one of the conditions of this agreement be violated.

Further, it is distinctly understood and agreed that full price will be refunded by you for any and all tickets sold if the Indiana Transportation Company does not honor tickets. The Indiana Transportation Company reserves the right to book other small parties, but agrees that they will honor 4,500 tickets for the Western Electric Company, subject to the above conditions as to capacity of steamers, etc., providing the Western Electric Company exercise the option to pay for the 2,500 tickets as hereinbefore provided.

This letter is written in duplicate and if the same is agreeable would be pleased to have you note your signature hereunder.

Yours, very truly,

INDIANA TRANSPORTATION COMPANY,
By W. K. Greenebaum.

Accepted:
Western Electric Co. Employes,
Central Committee.

By CHAS. J. MALMROS

By ..... Lawndale 5005.

THE CORONER: Mr. Gee, what condition of this contract was carried out by both parties? A. Made the first, second and third payment, made a payment of $300, a payment of $600, and the second payment, $600.

Q. As to the number of tickets sold both full fare and half-fare, the number of children, how many tickets were sold? A. The last report that I received stated there was 6,900 full fares and 200 half-fares.

Q. When did you receive that report? A. The night before the picnic.

Q. Who did you receive it from? A. From the picnic committee.

Q. Who were they? A. Mr. Short, chairman; Mr. Harmon, Mr. Holsworth, Mr. Danner.

Q. That is the picnic committee from the Western Electric Company? A. That is the picnic committee from the Western Electric Company.

Q. Where did they get the information from? A. From the returns of the plant, from the ticket sellers in the plant.

Q. Do you know what proportion of that number had boarded the Eastland and the other boats engaged for this picnic? A. No sir.

Q. Did you intend to go to the picnic? A. Yes sir.

Q. How early were you at the docks for the purpose of attending the picnic? A. I was at the docks at 7 o'clock.

Q. Did you go aboard the steamer Eastland? A. No sir.

Q. Roosevelt or any of the others? A. No sir.

Q. About a quarter of 7 o'clock? A. Yes sir.

Q. Did you observe the steamer Eastland anchored at the dock, at Clark street and South Water? A. Yes sir; I saw her at the dock.

Q. At 7 o'clock, when you arrived there, about how many passengers were on the steamer Eastland? A. I do not know.

Q. Were there some? A. Yes sir; there was some.

Q. Quite a number? A. Well, it looked to me quite a number.

Q. How early did the employes begin to board the steamer Eastland on Saturday morning last? A. I do not know; I was not there when they started to board.

Q. Did you hear from other members of the committee as was said that some arrived as early as 6 o'clock, that correct? A. I don't know; I haven't any idea.

Q. Were you there when the steamer began to list toward the north? A. I was on the corner of Water street and Clark.

Q. On what side of the street? A. On the east side.

Q. Did you observe the boat listing? A. I observed the boat listing toward the——

Q. North or south, designate if you know? A. North; listing north.

Q. Toward the north? A. Yes sir.

Q. That would be the port side? A. No response.

Q. Did it list very badly? A. Not any more than I have seen other boats in the East list.

Q. How many passengers, approximately, were on the boat when the boat listed toward the north side or the port side, approximately, a large crowd? A. I don't know.

Q. Was there a large crowd on there? A. I did not see it; I did not see.

Q. What time was it that you observed that? A. That was about quarter after seven I should imagine.

Q. Quarter after seven. What followed the listing, that you observed? A. Well, all I observed was just a small listing, then I went to the corner of Washington—corner of South Water street and Clark, I did not pay very much attention to the boat.

Q. When did you first learn that the boat had turned over on its side? A. I did not know that until I heard the people screaming and the fire department coming; that is the first.

Q. Then what did you do? A. I immediately went and looked for my family.

Q. What you saw—explain to the Coroner, the State and the Jury what you saw? A. I saw—I did not see any people from the Eastland because my family was on the Roosevelt and the people coming from off the Roosevelt. I was very anxious to find out where my people were; I stood there until I seen them; that is all I saw. I did not see nobody at all from the Eastland.

MR. SULLIVAN: Keep your voice up, talk this way.

THE WITNESS: I did not see anybody from the Eastland at all, I was there after the accident happened.

THE CORONER: Have you any idea how many men, women and children, babes, were on the Eastland at the time it tipped over on its side? A. No sir.

Q. Do you know of any means, if you can get that information or any source that you can get it from? A. No sir; I do not.

MR. SULLIVAN: This contract read by the Deputy Coroner, were its terms changed in any way afterward? A. No sir.

Q. The minimum amount here appears to be 2,500, why was that fixed? A. Well, that was in the clause of the Indiana Transportation Company, I had to guarantee 2,500 before they would give us a special schedule for boats.

Q. Had you guaranteed five thousand would you have gotten a better rate? A. No sir, they claimed that was the best rate they could give us.

Q. Regardless of number? A. Regardless of the number we carried.

Q. Did you tell them you would have 2,500 easily, or five thousand, or seven thousand? A. We did, we kept advising them from day to day as to the number of tickets that were being reported as sold in our works.

Q. Did you advise them by letter, or verbal? A. Phone.

Q. By phone? A. Yes sir.

Q. Talking to whom? A. Talked to Mr. Greenebaum, when he was not there I left the record with his stenographer.

Q. When you come to figure up around 6,900 adults and 200 children over five years of age, did you give any estimate to them; was there an estimate about how many children you would have under five years of age? A. Our committee advised the Indiana Transportation Company there would be at least 7,000; for them to make arrangements to that effect.

Q. The night before last Friday night you discussed what you would have, much over 7,000, didn't you? A. The night before the picnic it showed we had 7,000, that is from the figures I received from the picnic committee, and I immediately came downtown. I tried to get Mr. Greenebaum on the phone to tell him that there was that many tickets sold, we would have to have accommodation for that amount. Mr. Greenebaum was in court, so I came downtown myself that night before going home to make an appointment with Mr. Greenebaum; when I got to the office he was not there, one of his employes took me over to the court where Mr. Greenebaum was.

Q. What court? A. It was in the postoffice, I don't know the name of the court.

Q. What judge? A. I do not know the judge.

Q. Go ahead. A. I told Mr. Greenebaum we had reached the 7,000 mark and that we would have to have accommodation for them, and he said he was already, had the boats for to carry approximately 7,240.

Q. Did he name the boats and the capacity of the boats? A. He named the boat and gave the capacity of each boat.

Q. What were the names and what were the capacities? A. I can't, I have not got that record with me, I can remember some. He told me the Eastland was 2,500, he told me the Roosevelt was 2,621, in addition there was the Petoskey and the Racine, and the Maywood, Now he gave me the figures on them but I have not got them here. I have them in my office coat in the book I have there (indicating).

Q. Did you express any preference for boats, ask him to advise you which boat that would be loaded first and leave first? A. In order that the employes would know when the boats were to sail and which boats would sail we asked the Indiana Transportation Company for the schedule of the sailing of boats in order that we could publish them in the plant, which we received.

Q. Is that the letter which you received from Mr. Greenebaum, in that communication (indicating)? A. Yes sir.

Q. Let it be read and become part of the record in this case.

(Following read): "Letter head—Western Electric Company, Chicago, July 22, 1915. Mr. W. K. Greenebaum, Manager, Indiana Transportation Company, Chicago, Illinois:

"Dear sir:

Received your letter of July 19 confirming our conversation of yesterday. It is your understanding that boats are scheduled as follows for July 24:

Steamship Eastland leave the dock	7:30 a. m.
Roosevelt	8:00 a. m.
Petoskey	8:30 a. m.
Racine	10:00 a. m.

These boats will leave earlier if filled before the specified time. Officials of the company and our band will go there on the Theodore Roosevelt. See that space is roped for sixty members of this band.

Yours truly,

D. W. G., Sec'y-Treas.
Central Committee."

Q. Did you and your committee have anything to do with the loading of boats? A. Nothing whatever.

Q. You simply turned in the people, in what you thought, somewhere near it, for the purpose to see they got the proper boat, that right? A. Yes sir.

D. Did you discuss anything about the safety of the boats with them? A. Yes sir.

Q. How many times and with whom? A. We discussed the proposition of having the Government Inspectors down there to be sure; they take a tally of everybody going on in our boats so we wouldn't have them overloaded. Mr. Greenebaum advised me that he had made arrangements to that effect.

THE CORONER: Did he say to you at any time the number of passengers that the Eastland might carry that morning? A. No sir; he just gave me the capacity of each boat.

Q. Do you know whether they checked the children, counted them with the adults, under the age of five, between five and ten? A. I do not know.

MR. SULLIVAN: Is there any way by which your company can aid the Coroner in determining the number of children under five years of age that were on the boat? A. Well, if we knew who were on the boat, we might make a canvass and find out if they had any babies with them and on that basis we might check.

Q. What percentage of the ticket buyers worked for your company? A. Beg pardon?

Q. About what percentage of the ticket buyers, of the 7,100, were employes of your company? A. We did not sell any tickets outside of the plant, they were sold by employes; some employes would buy probably two or three, or four, we did not sell any outside of the plant.

Q. Tell us how you managed to sell all your tickets in your plant? A. We had a ticket committee, representatives in each department and they were given a number of tickets they thought they could sell, they in turn sold the tickets and reported back to the ticket committee and the ticket committee reported the receipts, in other words when I received the tickets from the Indiana Transportation Company I turned those over to the picnic committee and charged them up with so much for them to account for.

Q. Was it understood by the employes that children under five need not pay fare? A. Yes sir.

Q. Thoroughly understood? A. Yes, sir.

Q. Was it understood before that children between five and twelve could go for half fare? A. Children between the ages of five and twelve that they could go for thirty-five cents instead of fifty cents, while we had to pay the full fare, the full value, that is on the basis of full fare tickets.

Q. Well, didn't the purser on the boat, if any one person presented a full fare ticket, they would admit two children, between the ages of five and twelve? A. That was the understanding.

Q. That was the understanding? A. Yes sir.

THE DEPUTY: What proportion of the people on the boat at the time that it tipped over were employes of the Western Electric Company? A. I don't know.

Q. You say there were no tickets sold outside of the various departments of your company? A. Not outside of the plant, no sir; all tickets were sold in it.

Q. Then was it understood that the steamer Eastland was reserved exclusively for the employes of the Western Electric Company? A. I don't know that, the Indiana Transportation Company was handling that.

Q. Do you know whether any of your employes that you would sell two or three tickets to, sold those tickets to people on the outside? A. I don't know.

Q. That was, unbeknownst to you? A. I don't know.

MR. HOYNE: They could have done that, could they not? A. I think they could, I don't know.

Q. Was it permitted? A. We didn't have any restrictions on that.

Q. They had the right to sell them to outsiders if they wanted to? A. Yes, sir; I suppose so, as far as the company was concerned, yes.

Q. In your understanding, the agreement with Mr. Greenebaum, were the ticket holders only to be received on the boat? A. I don't get that question.

MR. SULLIVAN: Your people who bought tickets from you or your company, either your employes or their friends, they were the only ones to be received on the boat? A. They were to honor all tickets.

Q. Do you know how many of the passengers went before the——have you any idea how many passengers were received onto the boat who didn't have your class of ticket? A. I don't know.

Q. Who bought a regular season ticket? A. I don't know.

Q. You don't know? A. No sir.

MR. HOYNE: For instance, Mr. Morren testified here that he was on this boat, and he bought a ticket on the dock, and never had went to the plant. That is only one man. He don't know how many there were. A. I don't know how many.

MR. HOYNE: You don't? A. I don't know how many.

Q. I understood from you, you have stated that in answer to Mr. Sullivan's question that the fact that you sold tickets for 6,900 adults and two hundred children's tickets, that wouldn't determine the number of children on the boat, because you say they honored a single adult ticket, would be accepted for two children, didn't you? A. There are two children could go on one adult ticket.

Q. So that the sale of two hundred tickets wouldn't necessarily show how many children were on the boat? A. No.

THE CORONER: I desire to say to the State's Attorney that as to the ages of the children, of both adults and children that lost their lives, they are working on a list, and within a day or two my office will have a complete record, but it is impossible for us to get up a record of those that were children and those that were adults, because we don't know who they were.

MR. SABATH: The gentleman may be able to inform us of the different names of the people to whom they turned the tickets over to. He has a list of the tickets, and maybe also the names of those that were selling the tickets in the plant, and then in turn it has been divided perhaps among a hundred or two hundred employes, and they may know to whom they sold the tickets, and in that way, you may be able to ascertain the names of the people who purchased the tickets, and whether they all bought at the boat or not.

THE CORONER: Can you answer that question?

THE WITNESS: We have a ticket committee, and Mr. Harmon, chairman of the ticket committee, and he in a day or so can give you names, he can give you the names of all the ticket sellers, and the ticket sellers will have the names of the people they sold to, probably some of them, and probably some of them won't.

THE CORONER: I would suggest, Mr. State's Attorney, that we confer with the officials of the Western Electric Company, for the employes, when we are asking them to get such a record.

MR. HOYNE: By going down to see the men who sold the tickets you can see their names and account for those they sold tickets to, how many they sold tickets to, and your records in turn would show how many children's tickets.

THE WITNESS: I don't know; we can go down and tally the number bought with the book.

MR. SABATH: I believe if we would get the various members of this committee, and who had charge of the selling of the tickets, that they will be in a position to know to whom they sold the tickets, and I think that they would remember if they sold no more than fifty or sixty tickets, they would also remember the names of the people to whom they have sold those tickets.

THE CORONER: They may have a record and from them a committee could get——

THE WITNESS: I will get that for you, Mr. Coroner.

MR. SULLIVAN: One more question. You say, if I understand you, that somebody connected with the committee, had a bulletin board downtown on Friday afternoon, showing the sale of more than seven thousand tickets? A. Yes.

Q. And if it was, it will probably show the great number between that and the leaving time the next morning. A. No, sir; the bulletin board at our plant probably didn't show that, that we sold seven thousand.

Q. If it didn't show 7,100 that evening or Friday evening, it was likely that you sold a great many more after that time, was it not? A. No sir.

Q. It was not? A. No sir.

MR. SULLIVAN: All right.

MR. SABATH: You hadn't received the report from all the sellers by that time?

THE WITNESS. We had a report, the figures that I gave you is the final figures, after we had balanced up our finances, 7,100; probably the final figures of all the sales of tickets——

MR. SABATH: Reported to you? A. Yes, sir, reported to me, reported to the chairman of the ticket committee, who later on in turn reported to me. I didn't handle any of the tickets.

MR. HOYNE: Just one other question, these tickets were good on any one of the boats, were they not A. They were good on any one of the boats.

Q. Was there any attempt made by your ticket committee, or any other employes of each group to have the different departments, or the different parties that were made into parties, or any of the departments, whether they would all be on one particular boat? A. No sir.

Q. You had nothing to do with the arrangement for transportation or anything with the arrangement then, except the selling of the tickets? A. None whatever, sir.

THE CORONER: Did you testify that the understanding was that the Eastland was the first boat to leave at seven o'clock, was it?

VOICE: Between seven and seven-thirty.

Q. Seven-thirty, and if it was loaded prior to that time——A. If it was loaded prior to that time, it would go earlier than that time, it would go out before seven-thirty.

Q. It would go earlier, before seven-thirty? A. It would go out as soon as the bridge was open.

Q. This Eastland was the first boat, and was the first boat ready to go? A. The Eastland was the first boat, and was the first boat to go, due to the fact that it had to come back to make her own trip; I don't know where she

sails to; that was the information I received. That was why they scheduled the Eastland first to go.

JUROR: Who was down there when the boat was loaded; from the evidence of Mr. Morren, shortly after seven, I think, why apparently, it was overcrowded then, who was to determine when the boat was overloaded? A. That was under the control of the Indiana Transportation Company. We had nothing to do with the ordering of the boat out of the dock.

THE CORONER: I think, Mr. Juror, the evidence will show before we quit, that there was one or two government inspectors that did the checking out of the boat.

JUROR: The witness, Mr. Morren, testified that they arranged to have them checked, and there is no question but that they were there and they were to check. That was discussed. They arranged to have them checked.

THE CORONER: That was——

THE WITNESS: We had an arrangement with the Indiana Transportation Company, and we requested that they have government inspectors down there to check them, and I understand that they were there.

JUROR: To see that they didn't exceed twenty-five hundred? A. To see that the capacity of the boat was not exceeded.

JUROR: Then they did so, and checked them?

THE CORONER: You don't know whether they were there for that purpose and did check them? A. As I understand it, the government inspectors did check them.

Q. Do you know whether they were there for that purpose? A. I understand that the government inspectors were there to check them up.

Q. Did you see the men yourself? A. No sir; I didn't see them.

Q. Well, do you know; that is what you have been told? A. That is the way; I didn't see it.

JUROR: Were those tickets, the seven thousand tickets you sold, to be honored on any steamer? A. They were all honored on any steamer they had, yes sir.

Q. Were you notified before July 24 or 23, that the sales amounted to 7,100, sixty-nine hundred adults and two hundred children, when you were told, when you went with that information down to Mr. Greenebaum's and went into his port room, and give him that information, and at that time he told you that the boats, the extra boats that would be used, mentioning the Eastland? A. No, he told us before that, I should judge, that the Eastland was about the first boat to go out.

Q. Now, don't misunderstand me, he then at that time mentioned the Eastland to you, as being one of the boats? A. Well, we were informed before that night that the Eastland was the first boat to sail, and you see the fact that that information was posted up in the bulletins in our plants, our employes, would know just what boat was the first to go, and when they were going.

Q. When was the Eastland first discussed as one of the boats? A. I don't remember.

Q. There is a letter that was written on the 22d, that is, on Thursday, in which the information is conveyed that the Eastland was to sail at seven-thirty, had you heard of the Eastland before? A. Oh yes.

Q. Thursday? A. Yes sir.

Q. And as one of the boats? A. Yes, sir; that was under discussion before.

Q. How much before? A. Oh, I don't remember; I couldn't say, but we had the Eastland the year before. The year before the Eastland carried our excursion to Michigan City, last year also.

Q. You don't remember when the Eastland came into the case at all?

A. No sir, because I wouldn't remember; I wouldn't be in that, the picnic committee would be in that probably.

Q. Did you discuss the question of safety with them in reference to this different things? A. Yes, sir; that is up to the picnic committee, the picnic committee also done that part.

Q. Was the question of safety of the Eastland discussed with him? A. Yes sir.

Q. Do you recall that conversation? A. Well, the only conversation there, that I do recall is that the boats was all safe, or our people wouldn't have agreed to it at all.

THE CORONER: Any further questions by the State?

MR. HOYNE: No.

THE DEPUTY: Or any one representing the different interests?

MR. SABATH: ——

THE DEPUTY: Whom do you represent?

MR. KORSHAK: The City Law Department.

MR. MAX KORSHAK: Was it your understanding that the capacity of the Eastland was to be 2,500. A. Yes sir.

Q. Was that to include babes in arms, or was that exclusive of babes in arms? A. As far as I know the capacity of the Eastland was 2,500 including children and all.

Q. And to include babes under five years? A. Yes sir. As I understand it it includes two babes as one person, whether it is walking or whether it is in the arms.

Q. 2,500 was to include both babes in the arms? A. Yes sir.

MR. HOYNE: Did you have any talk about that? A. Not that I know of.

Q. That is merely your understanding in your mind, you didn't discuss that with Mr. Greenebaum? A. No, only about the picnic; that the capacity of the boat was 2,500.

MR. KORSHAK: You don't know the men that checked the babes in arms and children under five years? A. I don't know.

MR. HOYNE: How many different men were selling these tickets in the different departments, nine, ten or fifteen? A. Well, I should imagine, I would estimate—if you want a definite figure—if you have our program, it will show.

Q. What was your general plan of sale? A. We had a ticket representative in each department.

Q. You just named arbitrarily one man in each department to be a ticket seller? A. He was selected by the ticket committee to sell tickets.

THE CORONER: How was the Hawthorne Club connected with this company. I notice many of those who were lost had the Hawthorne Club pin as a part of their valuables? A. It is the social club of the employes, not only social, but we have educational and all.

THE CORONER: That's all.

THE CORONER: Thank you very kindly for the evidence given.

CHARLES J. MALMROS,

called as a witness, having been first duly sworn, was examined by Coroner Hoffman, and testified as follows:

Q. Your full name, please? A. Charles J. Malmros.

Q. Your residence and occupation? A. 6625 34th street, Berwyn, Illinois.

Q. What is your occupation? A. General foreman of the Machine Department of the Western Electric Company, Hawthorne plant.

Q. Were you on the committee that made arrangements for the picnic for the Western Electric Company employes on Saturday, July 24 last? A. Yes sir.

Q. Who was on that committee with you? A. Secretary myself, I chartered the boats and made the contract.

Q. The names please? A. Mr. Gee made the arrangements with the Indiana Transportation Company for the boats.

Q. Were you present with Mr. Gee when he testified here and gave his evidence? A. No sir.

THE CORONER: Briefly state to the jurors and the Coroner what arrangements were made, the essence of it? A. The arrangements was made to carry our people to Michigan City on July 24 at a specified rate in the contract. Further than that we made no other arrangements, the picnic committee was appointed to take care of the details of the picnic.

THE CORONER: Have you any information further, any more information pertaining to this matter that might be valuable other than what Mr. Gee has in his possession? A. Not that I can mention as to the sale of tickets. The picnic committee have that in charge and I was advised there was close on to 7,000 tickets sold the night before the picnic.

Q. Did you have a conversation with any of the boat officials at this time as to babes and children under ten years of age that they could go on one full fare? A. No, I had it in the contract for two children over five years old to be carried on one full fare ticket.

MR. HOYNE: Did you have a conversation with Mr. Greenebaum during the discussion of this arrangement? A. No, we went down to see about the boats about two or three days before. He asked Mr. Gee to make an estimate, as the picnic committee would like to know about the different boats.

Q. Which boat were you going on? A. The Roosevelt. It has been our habit to be on the first boat. I have handled that. Some of the committee members were to take care of each boat as far as the discipline, etc., was concerned. This boat was arranged to leave first and the Roosevelt the second. I had my family and I told them to get on the second boat as I didn't think I could get down in time for the first boat.

MR. HOYNE: Do you know which members of your committee were assigned to go on the first boat? A. Mr. Willard, he was one of our Central Committee members was to handle that boat.

Q. Do you know whether he did start to go on the boat? A. I have heard he was on the boat at the time of the accident.

Q. Was he rescued? A. Yes sir.

Q. What was Mr. Willard's name? A. I don't remember his first name.

MR. HOYNE: Were there any other members of your committee assigned to the Eastland? A. No sir.

Q. You, yourself, had not reached the dock when the Eastland turned over? A. I was two blocks away, we were coming down and somebody rushed down the street and said to me what had happened.

THE CORONER: Do you know whether Mr. Willard is working now or was he disabled? A. I seen him Saturday. I don't believe I have seen him after that. He was down in the plant as far as I can understand yesterday.

THE CORONER: Can we make arrangements to have him here?

MR. HOYNE: It appears he was at the office yesterday and has made a statement. I guess we can get him here this afternoon.

MR. HOYNE: Do you wish to introduce the statement or have him here.

THE CORONER: I think we ought to have him here. Will you kindly make arrangements to have him here as soon as possible. We will send an officer out for him. You know what department he is in.

THE WITNESS: I heard about the arrangements three or four days before in a letter received from Mr. Greenebaum and referred to first.

Q. That was the letter of the 19th to which Mr. Gee replied on the 22d? A. Yes sir.

Q. That is the first you knew of that boat? A. We had it last year.

Q. Were you on it last year? A. No, sir. The Eastland was one of the last boats to leave last year.

Q. Did you have any conversation with anybody about the Eastland? A. No sir.

Q. Do you know how many boats were to be used? A. Six boats, possibly seven. We had sold the tickets and we were to let Mr. Greenebaum know how many tickets we sold, and we would need space according to the tickets sold.

Q. Did you check up the various boats with the number of tickets that you sold? A. No.

Q. What was the number that was sold on Friday afternoon? A. I understood it to be 7,000, that is my recollection; 6,900 grown people and 200 children.

Q. And you had that information Friday afternoon? A. Had it Friday evening, yes sir.

Q. That was when you and Mr. Gee went down town? A. I didn't go down town. I advised the committee to go down and see if they could handle any more.

Q. You don't know how many tickets were sold between that time and the time the boat was due to leave the next morning? A. I heard they had stopped selling the tickets. I heard there was no more tickets to be sold until the first two boats left the pier.

THE CORONER: Anything further, the jurors?

MR. KORSHAK: Had you ever ridden on the Eastland before this day? A. Not to my recollection. I was on the boat at the dock at Michigan City last year.

Q. Did you notice anything peculiar about her at that time? A. Not that I remember, no sir.

THE CORONER: That is all, thank you.

THE CORONER: Mr. Greenebaum is the next witness.

THE CORONER: Have you been sworn? A. Yes, sir.

WALTER K. GREENEBAUM.

called as a witness, having been first duly sworn, was examined by Coroner Hoffman, and testified as follows:

Q. What is your name? A. Walter K. Greenebaum.

Q. Where do you reside? A. 5713 Calumet avenue.

Q. What is your occupation? A. Manager of the Indiana Transportation Company.

Q. A corporation? A. Yes sir.

Q. Located where? A. Corporation of Indiana.

Q. Offices in Chicago? A. Yes sir, 84 West South Water street.

Q. The business of that corporation? A. Operating passenger and freight steamers.

Q. Where? A. Between Chicago and Michigan City, Indiana, and between Chicago and other points.

Q. What is the name of the boats? A. Theodore Roosevelt and the United States are the boats we own, and the steamer Rochester, which is a chartered boat.

Q. Is your transportation company, are they owners of the steamship Eastland? A. No sir.

Q. Did you at any time recently charter the steamer Eastland? A. I did.

Q. When? A. The latter part, early in July. My letter is given to the State's Attorney.

Q. Was the steamship Eastland chartered by you for picnic purposes on Saturday last? A. We had the steamer Eastland—we made arrangements with the owners of the Eastland to provide transportation for the passengers of the Western Electric Company, that only covered the transportation of the overflow, and everything else aboard the steamer was made by the owners of the Eastland.

Q. Did you have a contract with them? A. We had an exchange of letters, yes sir.

Q. Have you a copy of that letter? The contract price you received was $500? A. The price we agreed to pay them was $500.

Q. Was there any provision in that contract as to who should run the boat? A. No sir.

Q. Who was to furnish the crew? A. They were to provide the boat and crew. All we had to do was to furnish the passengers and they were to take care of everything else.

THE CORONER: Read these letters that have been testified to Mr. Kennedy. The letter of July 3d and letter of July 16th.

THE DEPUTY (reading):

"First letter dated July 3, 1915, on the letter head of the St. Joseph-Chicago Steamship Company.

"Mr. W. K. Greenebaum, General Manager, Indiana Transportation Company, Chicago, Illinois.

Dear Sir: In answer to yours of the 2nd relative to charter for the S. S. Eastland July 24th, we will agree to charter as per your request, the proposition to be handled under the same arrangement as last year, that is $500.00 for the trip, tug service in Chicago and Michigan City to be taken care of by you and the Eastland to be the first boat to leave on the trip, not later than 8:15 a. m. The carrying capacity of the Eastland is 2,570. You will have the privilege of cancelling this arrangement prior to July 15th, 1915. Yours very truly,

W. H. HULL, G. M."

THE DEPUTY: Notation at the bottom, "we will return from St. Joseph 6:00 p. m. stopping at Michigan City."

THE DEPUTY: "Letter head of the St. Joseph-Chicago Steamship Company, July 16th, 1915.

"Mr. W. K. Greenebaum, General Manager, Indiana Transportation Company, Clark Street Bridge, Chicago, Illinois.

"Dear Sir: As per your letter of July 15, I return herewith my letter of instructions of July 15, 1914, with a copy of my letter of instructions of July 16, 1915. I will appreciate anything you can do to get the Eastland out of Chicago before 8:15 a. m., as it is necessary that we leave Chicago before 2:00 p. m. Saturday instead of 2:30, as was the case last year.

Yours very truly,

W. H. HULL, General Manager."

THE CORONER: Do you know who the officers are of the St. Joseph-Chicago Steamship Company? A. St. Joseph, Michigan, is their general offices.

Q. Are they a corporation? A. I think so.

Q. Who are these officers? A. George Tanold, President, ————, Michigan.

Q. And the other officials. A. W. H. Hull is General Manager, St. Joseph, Michigan, and Mr. A. Davis, is Assistant Secretary, also I believe a resident of St. Joseph, Michigan. These are the only gentlemen that I know of that are officials of that Company.

THE CORONER: When did you first learn of this terrible disaster, of the steamship tipping over on its side? A. Saturday morning.

Q. What time? A. When I was aboard the Roosevelt, I learned that she had capsized. Prior to going aboard the Roosevelt I had been up to the top of the stairway getting the people started going aboard the Roosevelt.

Q. Did you see her capsize? A. Not entirely, no, sir, I saw her list very much, and I was fearful she was going over.

Q. Had you been on board the Eastland prior to that time? A. No, sir.

Q. Do you know how many passengers it contained, both men, women and children? A. Only from the Government inspectors. I had been over there and it run over 2,400. I was waiting for them to give notice in order to start the people, turn them over towards the Petoskey.

Q. Did you see a Government inspector checking in the passengers? A. I saw two of them checkng, yes, sir.

Q. Their names, if you know them. A. Lobdell is one, the other I don't know his name—Mr. McCleary.

THE CORONER: The manner in which they were checking in the passengers? A. They have these checking machines, as each passenger goes aboard it automatically tallies.

Q. If you press a button? A. If you press the point, yes, sir.

Q. If, however, an inspector does not desire to press that point he could allow people to enter without registering the number? A. If both of the inspectors do not desire to check the people they could do so, yes, sir.

Q. If they had an understanding? A. And providing the ticket takers do not interfere.

Q. The ticket takers would not have anything to do with the counting? A. They could go aboard without being numbered.

Q. You say that about the time you were over there, there were 2,400 aboard? A. Over 2,400.

Q. There were 2,400 distributed about the various decks? A. I could not answer that, because I was not aboard the ship. I presume they went to all sections that were available.

Q. Was the boat pretty well loaded up? A. Seemed to be pretty well crowded when it had 2,400. The side of the ship, you understand is probably 16 feet up in the air. I was on the deck below, all I could see is what we call the color plate on the outside. I could not see in the interior below the ship.

Q. When you chartered this boat, did you know whether it had passed government inspection, or complied with the rules of the Government pertaining to interstate commerce? A. The fact that the boat was being operated was evidence to me that she met the Government requirements. The Government would not allow it to go unless it was fit.

Q. The Government checkers would also corroborate that, would they not? A. Yes, sir.

Q. Did you have any occasion to believe that the steamship Eastland was a cranky boat? A. No, sir.

Q. Did you believe it was a safe boat? A. Yes, sir.

Q. Because of its construction and otherwise? A. I believed it was a safe boat, yes, sir.

Q. Did you ever hear of it being a cranky boat or having listed to one side or coming near a tip-over on a number of occasions? A. I had heard of it having listed one time in leaving South Haven several years ago.

Q. What did you hear about it several years ago? A. In leaving South Haven, I heard that the engineer had failed to put the water ballast in. In going into South Haven, they only had 12 feet of water. The Eastland would go into South Haven with the removal of her water ballast, and as they leave South Haven and enter on the lake they would put in the ballast. I understood at that time that the engineer had failed to put the ballast in and that caused her to list, and also the load on the top deck would have a tendency to make her list.

Q. The starboard deck? A. You call that the top deck.

Q. On the roof? A. Yes, sir.

Q. Do you know whether this boat had been remodeled of late? A. I had understood that after this affair that she went up to Port Huron and that a number of alterations had been made upon the suggestion of Mr. W. J. Wood, the marine architect.

Q. Do you remember what these alterations were? A. Only in a general way. They removed a number of the staterooms so as to reduce the weight that was up in the air.

Q. Had a deck been removed? A. The staterooms had been removed from that deck.

Q. Was there any other story on this boat at one time, Mr. Greenebaum? They talk about the roof—was that a floor at one time—a roof there—the top of that? A. I don't recall that there was another deck.

Q. Do you know anything about the boat having been equipped with concrete floors in the mess room and dining room recently? A. No, sir, I do not.

Q. Are you familiar with the construction of the Eastland, its shape, etc? A. No, sir.

Q. Are you a practical boat man as to the operating of a boat; do you know anything about that? A. I consider myself having a fair knowledge of boats. I have been operating boats for a number of years.

Q. When you speak of ballast in the boat and the Eastland listing, do you know how the ballast—where the ballast is located in the Eastland? A. No, sir, not in the Eastland. I know in a general way how tanks—ballast tanks—are usually installed.

Q. You know whether the Eastland, whether it requires the engineer and its captain to be very cautious to shift this ballast at the proper time if the boat lists, and if it should not be properly ballasted that it would list? A. Every boat that carries ballast, the captain and engineer should constantly be on guard, if they have a large load of passengers to carry.

Q. How many boats do you have that operate that carry the ballast similar to the Eastland? A. I don't know what the Eastland carries. The Roosevelt and the United States have what we call ballast or trim tanks.

Q. If the Roosevelt were not properly trimmed or ballasted and loaded to its full capacity, and the proper ballast was neglected, would that cause it to tip over? A. No, sir.

Q. Would that cause any of your boats to tip over, if neglect were shown on the engineer? A. I don't think so; no, sir.

Q. Why not? A. This boat—this style of boat—I consider the Roosevelt and the United States the best boats on the lake. We have had them very carefully constructed. We have only small trim tanks in them.

Q. You believe that is not necessary? A. I consider these two boats to be superior—I consider the Roosevelt and the United States as well designed as any boats on the Great Lakes.

Q. Not depending upon the ballast entirely? A. Not depending upon the ballast. We secured the best talent we could in designing that boat.

Q. Do you know whether it is the custom, if the ballast is unloaded, to pump it through the manholes? A. I don't know that that is the custom. We don't do it on our own boats.

Q. I understand it was done on the Eastland; if so, do you know what was the cause of it? A. I presume because she may have been low in the water at the docks. On account of the depth of the water and on account of the landing at the dock, for the dock is high and the boat is low. They would let the ballast out so as to bring the boat up to make it easier for the passengers to get up.

MR. SULLIVAN: Is that the only reason that you ballast it? Does not the question of economical saving of coal enter largely into this question? A. I don't know anything about that. Our experience is that we do not consider that; it should not be considered.

Q. It should not be considered. You don't mean to say that it is not considered? A. So far as our company is concerned, we carry lots of coal and it is not necessary. We got plenty of weight in the bottom of our ships.

MR. SULLIVAN: Did the Hawthorne Club representatives have any talk with you regarding children on these boats? A. Nothing except what our contracts state and our letters, which we have turned over to you as a part of the contract that we made. I had—we probably talked of children, and you will find a clause in our contract providing that a child of a certain age is to have a certain rate, and children under that age there is no charge.

Q. How many different companies own these boats that you had chartered for the Hawthorne Club last Saturday? A. We had arrangements with the Northern Michigan Line for their steamer Racine, and we had arrangements with the Hill Steamship Company for the steamer Maywood, and with the Chicago-South Haven Line for the steamer Petoskey, and with the St. Joseph-Chicago Line for the steamer Eastland.

Q. How many boats did you intend to have in service that day for this club? A. It was my idea to run—depended on how the crowd was. We would take whatever was necessary. Up to Friday we had expected either 4,500 or 5,000 people, and then later in the day I was to Examiner Kelley of the Interstate Commerce Commission and one of my men came over and reported that 5,400 tickets had been sold, and then about—I should judge about nine o'clock at night—Mr. Gee came up—we had a night hearing at the Federal Building—and he said they sold practically 7,000 tickets. I said the only thing I can do is to cancel the afternoon trip for the Rochester. I said I will send her out in case the number come and requires the need of her.

Q. Your company interchanges boats with these other companies you mention here? A. Wherever possible, our company has helped other lines.

Q. And other lines help your company? A. Yes, sir.

Q. You prefer certain lines? A. Not necessarily; we take whatever line will give us a boat to help us out.

Q. But you have some preference? A. No, sir. I will correct that statement. Yes, I have—the South Haven Line.

Q. And you preferred the Eastland over some of these other boats that you mention? A. No, sir.

Q. Did you use the Eastland oftener, when you are compelled to have other boats, than you did other boats? A. No, sir. Last Saturday was the second time that I have had the Eastland.

Q. When was the other time? A. A year ago, for the Western Electric trip.

THE CORONER: Did you reserve the steamer Rochester, as you testified, for the trip, when you discovered the extent of the crowd? A. I gave orders Saturday morning to the captain of the Rochester to be prepared to come up from Randolph Street to Clark Street at 10 o'clock.

Q. Had he come down at the time this accident occurred? A. No.

Q. Was he ordered down? A. No, sir.

Q. Then what boats did you have outside of the Rochester? A. Outside of the Rochester, the Eastland, Roosevelt.

THE CORONER: Yes. A. And the Petoskey were at the docks ready to load, and the Racine was at the Northern Michigan dock, and the Maywood at the Northern Michigan dock.

Q. The total passenger carrying capacity of one, two, three, four of the boats, have you it? A. The Roosevelt this year is allowed 2,621 passengers; the Eastland was allowed 2,500; the Maywood, if my recollection serves me right, 280; the Petoskey 668; the Racine 602; the Rochester was 580. That's 7,251 persons.

Q. But you didn't call on the Rochester? A. The Rochester was waiting different orders.

Q. Up to the time of this accident, how many passengers had you permitted in her; how many; how many had you been told by the officials how many tickets had been sold? A. They told me they had sold about 7,000.

Q. Then in order not to overload these boats, if 7,000 tickets were sold up to the time, you would have to call on the Rochester? A. The conditions would have ruled the same as last year; we turned away a couple of hundred people.

Q. The number of passengers allowed to get on each boat is let to the Government inspectors on all the boats, is it not? A. Yes, sir.

Q. (By Mr. Hoyne): You have been in this business, how many years? A. Twenty-one years.

Q. In Chicago? A. Yes, sir. And in the 21 years' time, this is the first accident happened since I have been connected with it.

Q. How long has the Eastland been in service in Chicago? A. In 1903; that's the year she came out.

Q. It has the reputation among lake men of being a cranky boat? A. Some people have contended that the boat, on account of its listing, was—subject to listing.

Q. You heard it more about the Eastland than any other boat? A. I wouldn't say so; I would say as much as any other boat.

Q. What other boat did you hear of listing bad? A. I wouldn't say I heard of any other boat listing bad; I heard of boats possible to list.

Q. When you chartered this boat for the Hawthorne Club, did you know anything about the Captain or the Chief Engineer? A. I did not.

Q. Know anything about their reputation as sailors of passenger boats? A. No, sir.

Q. Know anything about the crew? A. No, sir.

Q. Or the reputation of the crew? A. No, sir.

Q. How many of the crew are changed on one of the boats like the Eastland; are they changed every trip? A. I couldn't answer for the Eastland. I had nothing to do with the Eastland.

Q. You had to do with furnishing the Hawthorne Club with a safe boat and a good crew? A. Yes, sir.

Q. Did you talk with the owners of the Eastland? A. I thought the Government had given them a license.

Q. Thought that was sufficient? A. I took that for granted.

Q. Whether they were competent to manage a freight boat or an ore boat or a coal boat? A. I never investigated that.

Q. Did you know how many hours this crew on the Eastland worked up to 7:30 Saturday morning? A. Presumably they were on six-hour watches.

Q. Have all the employes six-hour watches? A. They have on our boats.

Q. Do you know anything about that on the Eastland? A. No, sir.

Q. As far as you know, the employes on the Eastland might have been working 24 hours Saturday? A. They might have been.

Q. You don't know how many new men were shipped on that special trip? A. I don't know.

Q. You didn't ask? A. No, sir.

Q. (By Coroner): In case the boat is listed; one of your boats or the Eastland, is loaded up to its full capacity, and for some reason the passengers would all move to one side of the boat, would that cause the boat to list? A. Undoubtedly. They couldn't crowd on our boats to one side.

Q. Have you any officials on your boat whose duties it would be to instruct the passengers? A. The cabin watchers, bell boys and the steward's department, and the patrols.

Q. Whose special duty would it be to cause the passengers to disperse or scatter about? A. We never had occasion. We dock with the Roosevelt, but she comes in at night; she comes in at the Clark street bridge; instead of allowing the passengers to come off at the side, we put in a number of benches and compel the passengers to come in on the port side, and in that way, it helps hold the boat straight.

Q. Are there any arrangements if out at sea or away from the dock, the passengers would gather on one side of the rail—— A. That's the Captain's.

Q. And if he didn't disperse them and give an order and an accident would happen, who would be the man to blame? A. The Captain would be in charge of the ship and he is in cnotrol, but if I might explain: With the Roosevelt and United States we have a series of wooden benches going the entire length, and only a certain number can get on one side.

Q. Do you believe if the Eastland had been managed likewise, it would have prevented her from going over? A. It might have helped; it depends altogether if the ballast was properly placed below.

Q. Did you understand it was absolutely necessary to keep its ballast and its passengers in a certain condition or it would list and topple over? A. I would say where a boat carries ballast, that would be the proper thing to do.

Q. Do you know of any other boats, constructed as the Eastland is today carrying ballast? A. I don't know of any other steamers.

Q. (By Mr. Hoyne): In your judgment and experience, do you think any boat that carries water for ballast and not merely for trimming purposes, should be allowed to carry passengers? A. Under proper management, yes, sir.

Q. You have no such boat yourselves? A. We have no such boats.

Q. Under your contract with the Western Electric employes, you reserved the right to organize other parties and ship them on that same boat? A. That was a clause in the first contract.

Q. You put it in the second? A. Yes, sir.

Q. It is a fact that you permitted tickets to be sold to anyone at the dock? A. We sold a few tickets the day before, but we gave the ticket office to the Western Electric Company that morning.

Q. Did you give any instructions to your Purser, after you learned these boats would be sold out, not to sell tickets? A. Our Pursers don't sell tickets.

Q. And you say then that if any tickets were sold then to anyone outside of employes of the Western Electric Company—— A. I think we sold a few tickets as common carriers.

Q. If you did, where did you sell them? A. On our inside office at the dock.

Q. This ticket office on the dock was not entirely in charge of the Western Electric Company? A. The way the crowd came through it would be very difficult to get to the inside ticket office.

Q. You mean it would be difficult for a stranger to get to the ticket office? A. They would come along Clark street. My original intention was to completely load the Eastland before I loaded the Roosevelt. The afternoon before I called up McCleary and told them to be sure and have

the Government counters down to the dock and check the people; I asked him to have a couple of men at each boat. I went over to see Lieutenant McMahon of the Police Department and asked him to detail half a dozen officers. He had a couple of officers at each gangway. She started to rain a little after 7 o'clock, and there were quite a number had a preference for the Roosevelt; the officers were holding them——

Q. Coming down to the question, do you know now how many tickets you did sell through your representatives? A. I do not.

Q. Are you able to find out? A. Yes, sir.

Q. Did these tickets vary in color or size of the tickets sold by the Western Electric Company? A. Yes, sir.

Q. What was the color of the ticket in general? A. I couldn't answer that.

Q. Were the tickets you furnished to the Western Electric Company all the same size, shape and color? A. All except Saturday morning.

Q. What was the color of the tickets you supplied prior to Saturday morning to the Western Electric Company? A. I think I have one here. They apparently had two different colors.

Q. One of ordinary white paper, and the other light green? A. Yes, sir.

Q. What were the tickets you supplied yesterday morning? A. It is a card check.

Q. Something like a trunk check? A. Not quite that large.

Q. What color? A. I don't recall.

Q. You have described the precautions you take on the Roosevelt to prevent the boat getting out of balance; do you know if the Eastland was equipped with cabin boys to see that the passengers were properly divided? A. I don't know.

Q. Did you make any effort to find out? A. I did not.

Q. How long have you known Mr. McCleary? A. A good many years.

Q. How long has he been in his present position in the Government service? A. Ever since I have known him.

Q. Who were the two deputies assigned for the work of checking the Eastland? A. The only one I know the name of is Mr. Lobdell; the other I don't know.

Q. How long have you known Mr. Lobdell? A. Just this season.

Q. Who were the other deputies on the other boats? A. I think there was a man named Lay on the Roosevelt.

Q. Do you know any of the others on duty that morning? A. Only through seeing them on the docks.

Q. During the years you have been operating boats—steamboats in and about Chicago harbor, have you had any difficulty with the customs inspectors owing to boats being overcrowded? A. No, sir, we never had them overcrowded.

Q. Have you ever had any argument with the inspectors? A. No, sir.

Q. You never had any argument about the boats you chartered? A. No, sir; that's my recollection. We always took their count.

Q. Have you had any application made to you by any deputies in the employ of the Government for any special courtesies before? A. No, sir.

Q. Never? A. No, sir.

Q. At no time? A. I have not done this.

Q. Could such arrangements be made by any other officials? A. None of the officials in Chicago; I don't think it would be done.

Q. (By Mr. Hoyne): Had you had any applications from Government inspectors for transportation? A. I will correct my first statement. Years ago I had, before the Interstate Commerce Law went into effect.

Q. (By Coroner): How often does the Government require an inspection of your boats? A. We have to apply for a certificate in the spring. The inspection certificate is given for one year's time. They come over and examine

the boat, and if they find everything O. K., they give a certificate to operate for the year, and then they make occasional inspections to see that everything is in good order.

THE CORONER: These inspectors are known as hull and boiler inspectors? A. Yes, sir; local steamboat and local boiler inspectors; then they have deputies.

Q. Do you know the full duties of the government boiler inspector and the Government steamboat boiler inspector? A. The Government steamboat boiler inspector has to thoroughly examine and see that all mechanical apparatus aboard the steamer conforms with the Government rules and regulations.

Q. Has he anything to do with the competency of the men employed in that department—the boiler department? A. The Government—the boiler inspector, I presume, is the one that prepares the questions which the men have to answer when they get their license. I believe the boiler inspector and the hull inspector jointly sign the license.

Q. To make such inspection competent, what caliber of man would be required to make a competent inspection? Would he have to be an engineer? A. He should be a man well versed in everything pertaining to it?

Q. What part of the profession? A. He should have graduated from the ranks, started as a coal passer, fireman, gone up through as oiler, fireman, first, second and third assistant.

Q. Office and so on, what would be his title? A. Chief engineer.

Q. Now, a hull inspector? A. A hull inspector—his mode of advancement would be to start as a seaman, as a lookout, wheelsman, on up to mate, then to captain.

Q. He should be familiar in the lines of a steamboat, as to the shape and construction of a boat, the hull of the boat? A. Most assuredly, because he has the rest of the boys at his back, must see that everything is right, fit and proper.

Q. He should have a knowledge along the lines of that all, see there is enough room? A. To a certain extent, yes, sir.

Q. When those certificates that are issued by the hull and boiler inspectors, what is done with them? A. At the present time there are three certificates each, if my memory serves me right. One given to the collector of customs, one is given to the boat, and it is retained in the office of the inspectors.

Q. On your boats—do you make any further inspections through liability insurance companies or by private individuals, or do you rely entirely upon the inspection of the Government boiler inspector? A. We carry insurance on the boats and the insurance representatives at different intervals come down and inspect the steamers when we have the boats in the dry dock; they always come there to see that everything is fit and proper. We put the boats in dock—dry dock—each spring, to be sure that everything is right. They always have men down there.

Q. Have the insurance inspectors, in any case you remember of, ever criticised the inspection of the Government inspectors of both hulls and boilers on the order of things in general—the Government inspectors had not done? A. No, sir.

MR. HOYNE: You say that you obtained a license in the spring for your boats? A. Our license expired in the spring; it depends altogether when we first applied for a license.

Q. And that certificate or license you get states the number of passengers you are authorized to carry, does it not? A. The Government regulation provides for a certain number of passengers between the 15th of May and the 15th of October; in addition, it provides for a number after that period; then if you alter your boat at all during the year, put on additional equipment, you make an application to the inspector.

Q. What we are getting—what I want to know is—if you made changes in your boat, or in your hull or boilers, unless you made application to the

inspector, do they come around and look at it—do they know anything about it? A. There is not only inspectors, but the Government has a boat that goes around occasionally to see whether the requirements are being complied with in order with the Government. The other day, at the time of the disaster, we threw several hundred life preservers overboard; that decreased the equipment. Before letting the Roosevelt go out the next morning I called up the steamboat inspector, and asked him, and he reduced my capacity until we got repair for the equipment that was lost.

Q. So, in other words, you was short on that trip with life preservers until you could replenish them? A. Yes, sir; that is the idea, yes, sir.

Q. Do the Government inspectors—you say they came out occasionally. What do you mean by "occasionally"? A. I think their rules were changed—I think their rules now provide they must inspect two or three times during the season of operation.

Q. Have you yet replenished the number of life preservers on the Roosevelt? A. Partially; we haven't, however, for the old license.

Q. For the full capacity, you have not replenished? A. Our capacity on the Roosevelt was reduced this spring under the new rules of the Government. On the rafts of last year we loaded eight persons; they reduced it to seven. Our risks on the Roosevelt this year is less than last year. We could have it increased if we put on additional equipment, if we put it on.

Q. Under the present condition of the Roosevelt, does it comply with the laws of the Government? You load passengers in excess now, in relation to the number of life preservers? A. Could we, under the rules of the Government, carry more passengers than we have life preservers for?

Q. Yes. A. Not without violating the law. There is a certificate that provides expressly what number of boats and rafts you have to have; without them you have no right to operate.

Q. Does the Government ever check up the number of lifeboats there are on a boat? A. Yes.

Q. Or do they take your word for it? A. They check up.

MR. HOYNE: When you speak of different Government inspectors, whether they are inspecting hulls or boilers, whatever they are to do, they come around occasionally—tell me how many times have you seen any of them since last June? A. Well, I have seen them numerous times. They are down around the docks every Sunday; I have seen them other times. We had a large party to handle on the 28th of June; they were down; they were on the Roosevelt about two weeks ago; they went on at Michigan City and had a fire drill over there—made them put the boats over to see that the men were acquainted with operating the life-boats.

Q. How long before that since you had seen them about any of your boats? A. I do not recall seeing them in connection with the ships previously to stopping in passing around the docks.

Q. So that since you started in for this summer, since May and June, you have only seen them once? A. I have seen them several times.

Q. About your boats, inspecting any part of your boats? A. They were on the Roosevelt one day in June when one of our pipes broke.

Q. You called them up, did you? A. I did.

Q. That is the reason they happened to come there, was it? A. That is the reason they came down that time.

Q. Do you know of any time they ever came down without calling them up, any time that they were there? A. Oh, yes; they came down every once in a while. My office is upstairs. I did not see them aboard ship; the captain and the engineer would be better qualified to answer that. I know that Inspector Boyle objected to one of our men. We won't allow a passenger aboard that we are not acquainted with. Our patrol refused to pass him until he showed his star. He objected to the fact and we complimented him because of his action.

Q. Now, suppose you have a crew—you say that you have a competent

crew, your captain and mates and other men. Suppose you discharge two or three of them, or that they should leave you for any reason; you have to get new men. What would you do then, telephone the Government officials? A. No, sir; we do not put them aboard unless they have a certificate.

Q. They have to obtain that first? A. They must have that certificate.

Q. You see they tend to the life-boat work on your boat, tell them, is that correct? A. That is the law. I do not see to it; it depends on the character of the position; that is, for the chief engineer or the captain.

Q. We are trying to find out whether the law is carried out, not what the law is. You don't know; you say it is a matter for—that the captain knows about it? A. The captain and the engineer are required to see that their subordinates are—that they have their proper papers. As I recall, it is punishable by fine if they do not; then there is a space on the boat where the license must be exhibited for public inspection. We have three spaces for engineers and the same number for the captain and the mates.

Q. Now, did you make any examination yourself there, or anyone else to do with the list of the employes of the Eastland, an examination as to their competency, etc.? Do you know anything about it? A. I know nothing at all about it.

MR. SULLIVAN: The only licensed men on a passenger boat, or any other steamboat, are the captain, the mate and the engineer? A. The captain, the mates, there are two mates, and the engineers, yes, sir.

Q. Now, when the Government officials give anyone—to the captain, we will say—their license here in this district, that authorizes them to run any kind of a boat within the tonnage amount in the license? A. If there is no restriction in the license.

Q. Well, there isn't any restriction between freight boats and passenger boats, the captain and engineer? A. So far as I know, there isn't.

Q. So that you would be permitted to take a captain and your engineer off one of the "drain" (freight) boats and place them both in charge of big passenger boats? A. We would be permitted to do it; I would not do it.

Q. Do you know how much passenger experience the captain and the chief engineer of this boat had before going to work on the Eastland? A. I do not.

Q. You don't know anything about it? A. I know that Pederson was on the boat last year; I never met the engineer of the Eastland.

Q. But in view of the fact that this boat is practically controlled by its tanks for safety, yet you did not get acquainted with the engineer, don't know whether he ever run a boat of that kind before or not? A. No, sir.

Q. He may have been on his first trip for all you know? A. For all I know, it might have been his first trip.

Q. And the safety of the boat depended on the trimming of the tanks? A. I don't know as to that.

Q. All right.

MR. HOYNE: Mr. Greenebaum, you have been talking about the law requiring furnishing papers; do you understand the legal obligations of a common carrier are different, whether you are to furnish them passenger transportation on a boat you own, or whether you lease or charter same? A. I do not know that there is any difference when we issue a ticket.

Q. Now then, you have been talking also about the men, the officers of the boat that are licensed, are the deckhands, the patrol, these people licensed? A. No, sir.

Q. Do you know whether the Government inspection bureau or whether any inspection bureau, whether they—what would you call the boiler inspectors or hull inspectors—make any investigation to determine whether the balance of the crew are competent? A. Only way—there is nothing so far as under the law; the only way to determine that would be in a fireboat drill, which they have occasionally on the ship.

THE CORONER: Is it the custom among steamboat owners, especially entirely to the competency of those officials—is everything explained by relying on the certificate absolutely? You figure they are competent men if the Government issues a license—is that it? A. We presume the Government, in issuing a license, knows they are competent. In the selection of our men we determine their past record, their general reputation.

Q. Require them to furnish reference, that the idea? A. Yes, sir.

Q. Have you or any member of your company any financial interest, stock or share, in the earnings and losses of the steamer Eastland? A. No, sir.

THE CORONER: Any of the jurors?

JUROR: I want to inquire, Mr. Greenebaum. You gave orders to release the Eastland first? A. Yes, sir.

Q. Were you down there personally? A. Yes, sir.

Q. Did you see the Government inspectors at hand before they started to load? A. I told Mr. F. (could not hear the name) to be there; nobody was allowed aboard until the inspectors were there.

Q. Do you know whether they were there? A. Yes, sir.

Q. You knew they were taking tickets that morning? A. Yes, sir; saw them a number of times.

Q. When did they report there was enough people aboard? A. I saw them; I could not say as to the time. It must have been 7:20.

Q. What was the report of the number of passengers on? A. Mr. ..... someone of them was counting, said: "There is only a few more."

Q. A few more, meaning——? A. A few more in order to get 2,500. Now, when they said over 2,500, Mr. McCreary—I believe Mr. F. (could not hear the name), said: "Nobody else on the boat." I immediately—I was standing there—I told the people coming down to go up the stairway there and take to the Petoskey.

Q. In other words, you believed and had knowledge of the fact that there was only equipment for 2,500 passengers aboard that boat? A. There is 2,500 checked off by the Government inspectors.

Q. The people bought tickets that far; were the tickets taken in? A. No, because the children, whether they were babies or whether five, each one of the people, all counted.

Q. They count the babies as individuals? A. Yes, sir, and a person three hundred pounds, all individuals; two pounds counts a person.

Q. You know how many tickets were taken in by your ticket taker? A. There was 2,412 tickets; our original count was 2,408; we recounted out a total check 2,412.

Q. 2,412? A. Yes, sir.

Q. Now, as I understand, two children between five and twelve were permitted to go in as one person. Is that right? A. I do not think there was very many children would go; if they did come we would check them for two children.

Q. You say "2,412." That meant a leeway of 88? A. Meant a leeway of 88.

Q. Do you know how many went in on the total of two people on one check? A. I do not.

Q. One ticket? A. Beg pardon?

Q. Had one ticket? A. No, sir; the officials would count them and pay no attention to the ticket.

Q. Do you know how many babies went aboard not charged with a ticket? A. I presume the difference between 2,412 and 2,500. That would represent the children under five.

Q. Between five and twelve, extra children being also ones under five—that right? A. Yes, sir.

Q. How many of the crew aboard that morning on the boat? A. I do not know what crew they carried.

Q. Did not make any inquiry? A. No, sir. I presume, "according to Hoyle," he had 2,570, and 70 represented the crew.

Q. 2,500 did not represent the entire number of people on board? A. No, sir.

Q. In other words, the license is for 2,500 and the crew? A. Yes, sir.

Q. That is the way you understand it? A. That is the way with the Roosevelt. We had 2,621 passengers and 69 on the crew?

Q. So it is correct now, as far as the understanding—the establishment is concerned, the crew is in excess of the number of people aboard? A. Yes, sir.

Q. According to the Government rules and regulations? A. Yes, sir.

Q. Now, you said something about you did not interest yourself how the people were taken care of on board. When you came to the vessel did you assume responsibility and see they were all—that the people were taken care of properly? You went there, or did you allow the officials to take care of——? A. We assumed they had properly arranged to take care of them—the boat is running right along.

Q. You, as a man in charge of a boat, practically assumed ownership, for the time being, of that boat, to see it is properly handled, the people you were taking money for, giving them proper attention? A. I haven't, where we hire boats for the day, any more than renting an automobile on the street.

Q. And if you take it, they would expect that it would be properly handled? A. I understand, of course, that depends upon the chauffeur.

Q. But how about this; that doesn't look after the repair of the automobile, does it, that is up to you if you rent the boat, or the automobile, to see that it is properly—in proper shape? A. I depended on the Government to remedy the boats, take care of the boats, I assumed that the boats were all right.

MR. HOYNE: Mr. Greenebaum, would the difference between the licensed number of twenty-five hundred and what you permitted to leave as 2,500, the capacity, cover all the various members of the crew, and also cover the men with the different concessions and the bartenders and waiters, and musicians and entertainers, and everyone else, doesn't it? A. Yes, sir.

Q. That is your understanding of it? A. Yes, sir.

Q. Do you know how many there were on the Eastland? A. I don't know.

Q. You don't know whether there was seventy or more of them? A. No, sir.

THE DEPUTY: Was there a band on there? A. I don't know about that.

Q. You say you have a band of sixty on the Roosevelt occasionally, do you? A. No, the band of sixty was the Western Electric, they asked us to make reservations.

Q. Were they going as passengers, or were they given free transportation? A. They were counted as passengers. We required tickets for them.

THE DEPUTY: Anything further?

JUROR: You represented your company there, that is correct is it? A. Yes, sir.

Q. There was no other representative of your company on the boat? A. No, sir.

Q. You were the only representative there of your company? A. I was the one on the dock, yes, sir.

Q. What power were you accustomed to have, what time were you accustomed to have the Eastland out? A. I should judge it must have been

seven-twenty, I was right at the gangway, and I seen Mr. McCreary stop them.

Q. When did the boat go over? A. I judge it must have been fifteen or twenty minutes later.

Q. And during that twenty minutes they weren't taking on any more passengers? A. Yes, sir.

Q. No passengers were taken on for the last twenty minutes before it went over? A. I don't think so, I wasn't down on the dock, you see, sir. I was watching them load the other boats.

Q. Why did it go over? A. That I don't know, and that is what I want to find out, I am sure.

Q. Have you an opinion? A. There are a number of reasons why it went, which may have caused it to go over.

Q. Well, what do you think would cause that? A. Why, one would have been the matter of having the ballast in her hull properly, I believe if the boat had been filled with water, she wouldn't have gone over, and another one would have been the question of having too much water on one side, and another would have been if the boat listed over, the portholes down in the hull might have been closed and the water gone in, and another one would have been the question of a great deal of weight, that is, the body of the people going over on one side, and another one would have been, but this didn't happen, because the tug hadn't started to pull her out.

Q. That would have been a reason, if you had any more reasons, that might have caused the boat to capsize, only you know that didn't happen, you know that the tug didn't pull it over? A. Yes, sir.

Q. Now, if such a thing happened, did the people go over on one side, do you know anything about that? A. No, sir, I do not.

Q. Did you see anything, after you say you looked up there—did you see any evidence, you say that you looked up there, and noticed that it was listing very badly? A. Yes, sir.

Q. You were very uneasy about that? A. Yes, sir, I was over—I had to get up to the Roosevelt, and she had started to load, too.

Q. Why had the people rushed over to one side, when you noticed that? A. I was standing at the top, I had the head on view, I saw where the people were.

Q. Is the water ballast, you said that might be the reason for it being —have you any information about the water ballast? A. No, sir.

Q. Now, when you noticed it listing very badly, did you look over to find out about the water ballast? A. I was across the street.

Q. You didn't go over? A. No, the Captain was on the bridge, and I presumed of course that the Captain really saw the boat, and I had no idea that she was going over.

Q. Where was the loading going, loading at the bow? A. She was putting her passengers on at the stern, at 5th avenue.

Q. At La Salle street? A. Yes, sir.

Q. Right at the stern? A. Yes, sir, well, about, I should say it was the gangway about thirty or forty feet from the stern, it would be the passenger gangway.

Q. You say the boat, she was close against the dock, right along at the end, is that a fact? A. Yes, sir.

Q. There is a gang plank? A. Yes, sir.

Q. Did that slack run up to the boat, or down to the boat? A. It was up to the boat there, I should judge maybe just the least bit, listing towards port.

Q. A man going aboard wouldn't have to walk up hill or did he walk down hill? A. He would walk down hill.

Q. Which way did she list? A. Towards the way—towards away from the dock.

Q. A man walking on board the gang plank and the gang plank towards the port, would walk down hill? A. Just the least bit, yes, sir.

Q. Was he? A. Yes, sir.

Q. Did you notice that the boat was high out of the water, the depth in the water? A. I didn't notice that.

Q. You mean that as being one of the reasons why they sometimes put out this water ballast? A. In unloading passengers, the ballast, would be to take the water out, so that would bring the boat up and putting the passengers, to hold the boat stable. My idea would be to have the water in her.

Q. Had you any intimation from the position of it, the gang plank, from the way the boat was riding in the water? A. I supposed the water was in it, on the outer. My idea was that the water—my idea was that they were to hold the water over on the left side, so as to raise the gangway to make it easier of access to the passengers to come aboard.

Q. For them to put the water over on the river side? A. On the river side, yes, sir.

Q. Your idea was that they didn't have water on the side, on the north side? A. No, sir, the tendency of the people when they go aboard is to stay on the side where their friends are coming down the dock, so that would take the water on the outside, so the reason to trim the tank so as to offset the weight on that side.

Q. Would it be possible down there to know about those tanks and about the water, whether it is full or not, and the floor, the east floor? A. The engineer.

Q. Would it be his duty to communicate that information to anyone? A. The engineer and captain, I assume, are kept close to the tug.

Q. The people who were following the inspectors, would they know anything about it? A. No, they—these inspectors are just simply the custom house checkers, they had nothing to do with the issuance of the certificate, for fear that they may misunderstand, there is two boiler steamboat inspectors, and they are the ones that pass on the boat equipment and the licenses, and these different checkers are simply the ones to see that the boat is, that it doesn't carry anything over what they gave her, the steamboat boiler inspectors——

Q. You had no information at all as to whether the ballast was on the boat or not? A. No, sir.

Q. And you made no effort to get any of that information? A. No.

Q. Do you know the metrocentric height of the Eastland? A. No, I don't.

Q. Do you know the metrocentric of the Roosevelt? A. I don't know it.

Q. Of any boat on the lake? A. I do not.

Q. Is it the duty of anybody connected with the Government to get that information? A. I couldn't answer that. I presume that they issue the initial license for the boat, when she first got to operate, they get that information in applying for the tonnage and applying for the certificate, the initial certificate, when the boat is built at the yard, I presume, but I am not, I couldn't say positively; there is a yard though.

Q. Would you find that information about any boat which you ran and which you listed? A. No, sir.

Q. There is nobody whose duty it is to get that information, you never got it? A. I never inquired for it, certain boats, we have always depended on our architects.

Q. Isn't it the duty of anybody to inform you or the Government, it isn't the duty of anybody to keep track of the water ballast, whether the ballast is there or isn't there, whatever that is, or anything of that kind, except the engineer? A. The engineer and captain work together.

Q. He should communicate this information to the captain? A. Yes, sir, and the engineer and captain should work together.

Q. On Monday, 19th, or Wednesday, the 21st, as the result of conferences with the people of the Western Electric Company, it was your opinion that there would be 5,000? A. I didn't confer with them; Mr. Gee remarked to me, as my recollection serves, or telephoned to me, and he figured at that time there was, I think that is Thursday, not Wednesday, I may be mistaken on it, that they would take 3,700, when we had reason to say somewhere in the neighborhood of 4,500, I think that was Thursday.

Q. Friday, we think you—— A. Probably 7,000 Friday night, about nine o'clock; I wasn't in my office at all Friday, except for a few minutes.

Q. But on Monday, the 19th, you wrote them a letter in which you told them that you had secured vessels capable of carrying 6,600 people; that is, four vessels—the Roosevelt, 2,620; the Eastland, 2,500, and the two others, amounted to enough to bring it up to 6,600, isn't it? A. I think it is 6,300, if my recollection serves me right.

Q. 6,379—that was on Monday—that was your information on Monday? A. That I could provide them capacity anywhere they needed.

Q. Were you expecting to sell a good many outside tickets? A. No, sir, my reason to get the Petoskey, to issue me an option to use the boats, that I wanted that boat, and that information, so that they would know approximately the number we have got to figure on, that we might be able to accommodate.

Q. Now, do you know how many outside tickets you sold the day before? A. I don't know; there was a number, there was a number we sold them, particularly after 8:30, and the year before, the year before, the United States, it was our last boat to leave Chicago at about 9:50, ten minutes before our regular schedule time, at 10 o'clock.

Q. You don't know how many of those tickets you sold? A. I don't know, but I could get that information.

Q. The best information that you had was that you expected to sell something like 5,000? A. Do I understand you to mean the year before, or this year?

Q. This year. A. Well, this year I understood about—I think it was understood they had sold 3,300, and there was about 4,500. I understand Mr. Gee—I said to Mr. Gee, I says, Mr. Gee, what do you think, confidentially, this is in talking about it to him, I said, do you know how many they are going to sell, and he says, I think we will run between five thousand and six thousand, and I said then we have got ample capacity to take care of your crowd.

Q. And after you noticed that boat listing, some minutes before she went down, you didn't notice the matter any further, and you didn't feel uneasy about it? A. No, I didn't; I wasn't uneasy when I first noticed her, but when she continued going, then I became uneasy.

THE CORONER: Did you have an opportunity to go across the—to step across the street after you saw she was going, to notify any officers then? A. I don't believe I could have got down the dock or anything to reach anyone. I saw the captain upon the bridge, and there was the engineer down in his engine room, and we had these two officers stationed over there to prevent any more going down from the dock, because the Eastland had had her capacity, and they were sending them over to the Roosevelt; in fact, that is one of the reasons, perhaps, that there wasn't as great a loss of life.

JUROR: I want to ask, Mr. Greenebaum, one further question. That is, before you testified—the control—it is the captain himself that is your representative; is he your man? A. Only to the extent of leaving, as far as operating the boat is concerned, that is his instructions.

Q. He has no right to take any options? A. No, sir.

Q. In other words, as I understand it, you have no contract directing the captain with reference to any service contract, written on that boat? A. No, sir.

Q. You have no control of that at all? A. No, we didn't list the boat; we simply made arrangements for them to provide transportation up to the capacity, somewhere, from Chicago to Michigan City.

Q. You can take no orders from him except by request? A. There is a letter of instructions which was issued, and which I turned over to the State's Attorney's office, which covers that, and which you gentlemen, of course, will have access to. But the understanding, in hiring and arranging for the boat, was for them to provide transportation, and I wouldn't assume to give any instructions to them whatsoever.

Q. Did you have any talk with Mr. Gee about the safety of those boats? A. No, sir, not to my recollection.

Q. Which covered the safety of any of those boats, is there? A. No.

Q. Nor with anybody else connected with the people who were running the picnic? A. I don't recall anything. I don't recall any such conversation.

Q. Did you ever discuss the safety of those boats with the people who owned them? A. No, sir.

Q. Or anybody else. A. No, sir.

Q. Of the Eastland? A. No, sir, not in recent years.

Q. Is it your opinion if the boat had carried proper ballast it would have been impossible for the boat to be turned over on its side? A. I cannot figure out how the boat, if she had been filled with water, could have turned over.

Q. You think it would have been impossible for her to have turned over? A. Yes, sir, if she had been properly ballasted—if her tanks had been filled with water.

Q. And that is under the control of the captain and the engineer. A. Yes, sir.

Q. Under whose control is it directly? A. Chief engineer.

Q. And what does he do if he notices the boat is listing on one side or the other? A. He would go and turn the valve and empty the tank on that side which is listing and fill the tank on the other side.

Q. He can remedy that condition very quickly, can he? A. Depends on the size of the valve that controls that water. You understand that the boat has carried as many as 3,300 passengers, and she operated five years here, between Chicago and South Haven, and every Sunday she, in the five years, must have carried more than 2,500 passengers.

Q. I thought you said that you noticed she carried her ballast on the water side? A. It looked to me that day that the boat was listed a little bit to the left side, which was the water side that day. She set on a small slant, as I thought. I didn't know whether she had any water on that side or not.

Q. That gave you the impression that she carried some water? A. Yes, sir.

THE CORONER: Let us get down to the facts. When you speak of proper ballast—water ballast in the tanks—it is necessary to shift that water, to let it out of one compartment and let it in another, in accordance with the list of the boat, and these shifts sometimes have to be made very rapidly by the engineer, do they not—empty one tank on one side and fill the other, depending on the list of the ship? A. Yes, sir.

Q. It is not only a matter of having the ballast in there, but it is an important factor to shift that ballast at the proper time? A. Depends on the size of your tank—yes, sir.

Q. What is the maximum speed, maximum and minimum speed of the Eastland? A. I don't know what her maximum speed is. I have heard that she made 21 miles an hour.

Q. How fast do they usually run on trips of this kind, boats such as this? A. The Roosevelt's speed is 22 miles an hour and carries seven boilers, only six in service. A safe speed in our judgment is 19 miles. We run our boats 18½ to 19 miles an hour.

Q. Do you know the Government's requirements in the way of plans

and specifications in case of building boats and registering boats under the Government? A. They must do so in order to get their license.

Q. Do you know the requirements, rather do you know whether the Government O. K.'s the architect's plan of the boat before the boat's construction? A. I don't know as to that.

Q. Do you know whether there are any blue prints on file in the naval office of the Government of the Eastland? A. I don't know, but if there were they would probably be on file in the district of which Port Huron is a part.

Q. Michigan district? A. Yes, sir.

THE CORONER: Anything else, jurors, of this witness?

MR. SULLIVAN: You could have chartered a boat there and also furnished the crew could you not for that trip? A. No, sir.

Q. Why not? Would the owners of the Eastland have allowed you to furnish one of your experienced crews on that boat? A. No, sir.

Q. You could not have gotten a crew without taking the one furnished by the Eastland? A. No, sir.

Q. The fact is you didn't ask, and didn't inquire about that? A. I have no idea at all but what the crew was safe, otherwise the Government would not have let them go.

THE CORONER: Because of the construction of different kinds of boats, would you consider that an experienced safe crew on one boat would be unsafe and inexperienced if placed on another boat that they knew nothing about, because of the difference in construction, ballast, etc.? A. I would say that in a very short time they would become as competent to handle that boat as the crew that had been there some time.

MR. SULLIVAN: It takes time to get acquainted in a boat being operated in the river without full ballast? A. Yes, sir. The only reason for dropping the ballast there was to permit the people to go on the side of the boat. If they dropped the ballast it would leave the boat up so that the level of the dock would be as near the level of the deck as possible.

Q. One of the previous witnesses testified in boarding the boat the water was pouring out of it from six or seven different openings; what would that signify to you as a practical steamship man? A. The probabilities are that that was the exhaust from the engine.

THE CORONER: Might it have been the unloading of ballast? A. Yes, sir, depending altogether whether the valve, the pump was above or below the water line.

A JUROR: He said he boarded the boat from the dock side and at six or seven different points poured out streams of water; that would be—the chances are that would be more likely ballast? A. Yes, sir.

A JUROR: The water coming out from the dock side and she was leaning towards the river, the taking of water out from the dock side would have a tendency to list towards the river? A. Yes, sir.

A JUROR: The pipes that empty the water ballast come to a central point, do they not? A. I presume so, I am not acquainted with the pipes on the Eastland, but I presume that there would be one feed pipe and probably have outlets along that big pipe so the water could be shut off, the valve could be shut off, probably have a number of valves, sufficient valves for the number of tanks on the ship.

Q. The fact that the water was being discharged from the south side of the boat, would that necessarily mean that the water ballast tanks on that side of the boat were the tanks that were being emptied? A. Not necessarily.

Q. That might be? A. Yes, sir, that might be.

Q. You stated that the capacity of this boat this year was 2,500, do you remember what it was last year? A. If my recollection serves me right, it was 2,186.

A JUROR: Why is it that you never used this boat except on these two occasions? A. The capacity of our other boats is ample to take care of the traffic.

Q. You called in outside boats? A. I have used the Petoskey boat as an overflow boat. I used the Kansas as an overflow boat, and I used the Roosevelt, as the capacity of 2,621 on Sundays, that is the only day we have a large crowd, and I have had the Kansas the last two years as an overflow boat in case of need. She has gone across, back and forth with 60 or 70 passengers.

THE CORONER: Any questions? If not, I will turn this witness over to the State's Attorney.

THE CORONER: I thank you for the evidence given.

THE CORONER: I desire that this inquest adjourn for one hour to meet here at 2:30 sharp.

CORONER: On request of the gentleman who just came in—A. C. Richey—we will hear him first; he says he has to go to his work.

ALGERNON C. RICHEY.

Called as a witness, having been first duly sworn, was examined by Coroner Hoffman, and testified as follows:

CORONER: Now I want you to talk loud and distinct.

Q. What is your full name? A. Algernon Chandler Richey.

Q. Where do you reside? A. 737 North La Salle street.

Q. What is your occupation? A. Solicitor.

Q. Employed by whom? A. Myself.

Q. In business for yourself? A. Yes, sir.

Q. What do you know about this disaster that occurred at 7:30 last Saturday morning to the Eastland at the 5th avenue and Clark street docks? A. I stood with the bridge tender of the railroad company at the north end of the Clark street bridge from 7 o'clock on until she went over. I saw her start to list. We commented upon it in every way, commented upon it until it got to the top of the middle deck doors. She got to the top of that and commenced to list more, fast, and the crowd on the boat deck, the hurricane deck, started to the south; they ran to the south rail, starboard side. They ran over and it seemed their feet—probably the boat went faster; she went down quick after that. It seemed as if she were overbalanced at the time.

Q. In your opinion? A. In my opinion; I stood there and witnessed it all.

Q. Did you observe how heavy she was loaded with passengers? A. I should judge between 3,000 and 4,000 passengers.

Q. How many passengers did you observe on the hurricane deck? A. About 300; 300 or 400.

Q. What became of them; did they roll off first? A. Must have done it. Those between decks were penned in underneath.

Q. What makes you think there were between 300 and 400 up on the roof? A. I should judge that.

Q. How long did it take for the boat to list? A. Between 15 and 20 minutes.

Q. Did you hear any orders given by the captain while the boat was listing? A. I didn't; I ran over to the middle of the bridge and called to the captain.

Q. Did you see the captain? A. Yes, sir, he was on the bridge. I ran over and called to him that the boat was listing and that she was going over, after she got to the freight deck doors.

Q. Do you suppose he heard you? A. I could not say.

Q. There were a great many people making a noise at that time? A. Not very many.

Q. How far away from him were you? A. Maybe 100 feet.

Q. Then what did you do? A. The bridge tender and I ran down on the pier on the bridge. We threw in everything we could find that was loose; went down on the dock on the south side of the river; the ship chandlers there threw out coil after coil of rope; we made them fast and threw them into the river, and pulled out three, four and five at a time. I am a good swimmer myself, even with one hand, but I didn't dare go into the water.

Q. Why? A. They would take one—even a good swimmer; those who came up would grab him, three or four of them.

Q. (By Mr. Hoyne): Did you have any experience in boats? A. Yes, sir; sail boats.

Q. Where? A. On rivers.

Q. Here in Chicago? A. No, sir, the Fox river.

Q. Who was the man you were talking with? A. The bridge tender for the Chicago street car company?

Q. How long have you known him? A. Three or four weeks.

Q. What is his name? A. I couldn't tell you.

Q. He is the railway man stationed at the bridge? A. Yes, sir; we were remarking on it at the time.

Q. You were on the river bridge? A. No, sir, we were on land.

Q. On which side of the river? A. North, right by the light pole and right by the policeman's house.

Q. On the west side of Clark Street, just off the north end of the bridge? A. Yes, sir.

Q. And you communicated with the captain? A. We ran over and told him.

Q. You ran over the west side of Clark Street bridge? A. The east side.

Q. And communicated with him from the east side of Clark Street bridge? A. I did. I wasn't at the east side, but the east side of the center.

Q. Why didn't you go on the west side? A. You were not allowed down there—the people were thrown back. He stood on the right-hand side of the bridge, with his hand on the rail. As she went over, he grabbed it with his left hand and climbed over, and never even got his feet wet.

JUROR: Did the passengers run over toward the river side at any time? A. At the time she started to list, when the captain gave his orders—after she listed at a 45 degree angle; the passengers on the hurricane deck rolled toward that side.

Q. They didn't run at any time toward the river side? A. No, sir. They ran in the opposite way. They ran about two minutes before she went down.

JUROR: Was there at any time an accident to cause the passengers to run to the river side? A. No; the people that were on the river side—the port side of the boat—as she stood there, gradually listing to that side there, after it got to the top of the freight deck door—then there were cries and screams and she went down like that.

ADAM F. WECKLER,

called as a witness, having been first duly sworn, was examined by the deputy coroner and testified as follows:

Q. What is your name? A. Adam F. Weckler.

Q. Where do you reside? A. 1143 North Shore Avenue, Chicago.

Q. And what is your occupation? A. I am Harbor Master of Chicago.

Q. As Harbor Master, what are your duties? A. Our duties comprise —takes in the harbor and river, moving of vessels, wharves, bridges, etc.

Q. What do you know about the unfortunate turning over of the steamer Eastland on Saturday morning, somewhere between 7 and half after? A. I arrived down at the Clark Street bridge at 10 minutes after 7 in the morning, and the boat at that time was listed to port, just coming over, about a 5 to 6 degree list. I stood down on the dock and called to Captain Pederson on the bridge, and I asked him to put in his water ballast and trim her up. He said he was trimming all the time. In the meantime he had given the "stand-by" order and cast off the stern line. The dockman ran forward to see what line he wanted thrown off. I would not let him throw off the line. I told Captain Pederson to trim her up. He held up his hand to state that he was trimming as fast as he could. He stepped out to the outside of the bridge. The boat kept turning, and he shouted to the people to get off the best way they could, and the boat, I should say around in 8 or 10 minutes' time, laid right on the side.

Q. What else did you observe? A. Of course, the people—passengers—on board were scrambling to get ashore. Those on the hurricane deck jumped overboard.

Q. What do you mean by the hurricane deck; the upper deck? A. Yes, sir.

Q. About how many people were on the roof? A. About 700 to 1,000.

Q. Were they seated or standing up? A. Mostly all standing up.

Q. Can you make an estimate of the number of people there? A. I don't think so. I could——

Q. Was the boat crowded? A. Yes, sir, the boat was crowded.

Q. Was there any disorder when the boat listed? A. Yes; she kind of listed about 7 degrees and came back again, and there is one man threw his coat off and jumped off the boat. I think two or three people jumped off the port side before she went over. When this took place, those people on the hurricane deck commenced to yell. I ran up on the dock and saw men and people climbing upon one another, and mostly all those people were thrown out into the water.

Q. Have you been in the habit of seeing the steamer Eastland arrive and depart with a load? A. I have, during the last week, twice.

Q. Did you ever see her loaded as heavily as she was Saturday morning? A. No, I haven't.

Q. What is the largest number of passengers you ever saw on the hurricane deck on the steamer Eastland? A. Saturday was the most people. I don't imagine they could get more on the upper deck.

Q. Going back to the time you called the attention of the captain that she was listing to port, and he held out his hand, what did that indicate? A. The first time I spoke to him, he said, "I am trimming all the time." I said, "I won't give you the bridge until you right her." He crawled over the outside of the bridge.

Q. And if he was trimming, the trimming didn't bring the boat upright? A. No, I think they was trimming the tanks on the port side.

Q. Was the tug attached to the boat at the time? A. Yes, sir. I spoke to the tug captain. I saw the line hanging.

Q. Was the tug still hitched to the piling? A. Yes, all except the one stern line that runs out aft—toward La Salle Street.

Q. How long and what knowledge have you of the duties of a harbor-master? A. I have been associated in the ship business and water for seventeen years.

Q. Would you mind giving your opinion, as a harbor-master, what you believe caused the boat to topple; you saw the conditions and know the boat? A. I don't think there was any water in their tanks, to start with.

Q. The evidence would indicate she had been pumped during the night?

A. Yes, she was dry. I think he had trouble taking water in his starboard side. He tried to swing the water in his port side, and he couldn't shift it fast enough.

Q. That being the case, who is to blame for that? A. I consider the captain—the captain of the boat.

Q. If the water was low? A. The water in the river—if there wasn't enough water there he should have had another dock. Her draft is only about 13 feet.

Q. I believe, if the boat was loaded about 15 feet, as it was, from statements of those in charge, and that the depth of the river at that point was about 17 feet, if that should be the case—if the boat squatted because of the latter movement and the water being 17 feet—would she be liable to touch bottom and cause her to topple over? A. No, I don't think so.

Q. If the passengers were not evenly distributed and went to the port side in large numbers, would it be possible—if the engineer, before he could fill the tanks—she would topple? A. If the machinery was in shape, the by-pass and pumps, he ought to be able to trim it, be able to trim it in from three to six minutes.

Q. Are you familiar with the construction of the boat? A. Slightly.

Q. Where does the tapering part of the boat start? A. Her taper is pretty sharp. She runs pretty well aft.

Q. Is there more than 40 feet buoyancy amidship of that boat? A. No, sir.

Q. Would you consider that buoyancy of 40 feet safe? A. Not light—without water—I wouldn't say so.

Q. Do you believe a passenger boat should depend entirely on trimming for ballast alone? A. Depending on the amount of people she is allowed to carry.

Q. The number she carried on this morning? A. No, I don't think she carries only 40 tons of water ballast.

Q. What is the meaning of calling a boat—calling it a cranky boat? A. Boats without enough draft are called a cranky boat.

Q. You mean a boat called a cranky boat is hard to manage under certain conditions? A. Hard to manage under any conditions.

Q. Have you ever observed the steamer Eastland, in the morning, before? A. Constantly. I was down to the dock the morning she went out with the Business Men's picnic. I mentioned then to the captain that I thought it good policy to trim his boat, not only for the passengers, but the boat had a bad reputation; it would help the company along if he kept it on an even keel; it would be a good deal better for the company.

Q. What did he say? A. He didn't say anything to me; said "I am trimming it."

Q. Do you believe it possible to have kept the boat on an even keel with the load he had on? A. I would not say positively, but if he had water in it when he started to the dock; he came over to the dock at 4 o'clock in the morning; he laid on the side and took on the load; it is generally understood by shipping men, they have enough water in the tanks when taking on passengers; they have to keep trimming.

Q. Would not a captain be compelled to trim when the passengers began loading in large numbers? A. Yes, sir.

Q. Or the boat would have gone over on the starboard side? A. I didn't see that myself, but I talked to my assistant and he said she had a list before that.

Q. Because of the construction of the piling, is it possible this boat may have caught on the dock; that occurs sometimes, does it not, and then she lets loose, it is possible—— A. No, they would have to work the other way.

Q. If she caught and let loose, she would have gone the other way? A. No, same way; when she gave the big lurch to port, they pulled the piling right out; it was her breast line. The string lines were let aft and the bow lines let fall and the breast line was the only thing that held to starboard. When the piles came out, she went right over.

Q. Observing all these conditions, being the harbor master, people on the hurricane deck in large numbers, do you believe that the boat was overcrowded? A. I will say this: I think the boat carries too many passengers; I don't think she ought to be allowed to carry more than 1,200 to 1,500 passengers.

Q. Why? A. I don't think she has stability. She hasn't the water ballast to pull her down and she has not the draft.

Q. Forty feet stability, is that about right? A. I don't know what her co-efficients are, but she has considerable dead rise.

Q. (By Mr. Sullivan): How much experience have you had in navigation and boat building? A. Seventeen years.

Q. Where? A. I was with the United States Government in the Cavite Navy Yard, four, five, six years, and came back to this country and started a boat yard at McHenry, Illinois, and then I organized the Weckler Boat Company, at Chicago.

Q. What were your duties for the United States Government? A. I had charge of construction at the Navy Yard at Cavite.

Q. What boats were built there? A. Most of the work was raising of the boats sunk in the harbor, and the completion of boats already started.

Q. What is the largest boat you built in Chicago? A. My work in Chicago has been confined to boats up to 125 feet.

Q. Last Tuesday you had a talk with the captain; where was he? A. He was on the bridge.

Q. He heard you and answered by word of mouth or signal that he understood your complaint? A. Yes, sir.

Q. How many tanks are there on the boat? A. I don't know how many tanks she carries. I think she has four compartment tanks on each side. I don't know exactly.

Q. You say this boat has a bad reputation? A. It is generally looked upon that way among the marine men, lake men.

Q. Do you know specific instances where she acted badly or was in grave danger? A. I think when she was running out of here four or five years ago, they had considerable trouble. They took her out of the lakes here and took her to Toledo. They brought her back to Chicago last year and put her in commission again. She has been running on the lakes here for the last two years. I heard Pederson say—I asked him why he didn't carry ballast. He said he fills in the lake and didn't need any water ballast. The only reason I could understand why she didn't use water ballast was that she had a thin screw end, and immediately when he gets the propeller started, it keeps her on an even keel.

Q. How many passengers was she permitted to carry in Lake Erie? A. I don't know. I understand her passenger list was increased this year.

Q. I understand you looked at the papers in charge of Chief Schuettler? A. I looked at the boiler inspection. He read to me that she was allowed to carry 1,700, five miles from shore. I didn't see it, though.

Q. Did you have a talk with the engineer since this accident? A. I haven't talked with him myself, although I heard him talk.

Q. What did you hear him say? A. It seems he was trying to trim the boat and he said for 17 minutes he was trimming the boat and couldn't get the water in fast enough. From the time he started to load until he got the stand-by signal, it was just 17 minutes they started trimming.

Q. In half that time they could have unloaded all their passengers?

Q. Do you believe everyone on board and the passengers believed this

boat was in danger for 17 minutes? A. I don't think anybody did on board until after she gave the lurch.

Q. (By Coroner): How much time did they have to save themselves? A. None at all.

Q. (By Mr. Sullivan): You say they had 17 minutes to trim the boat and she didn't respond? A. She didn't respond.

Q. So after 10 minutes, if they notified the passengers, they could have got off? A. They could have got off.

Q. You say he put all the passengers on the boat in less than 17 minutes? A. His testimony, from the time he started to load until he gave the stand-by signal, it was 17 minutes, and that would indicate that he loaded in less than 17 minutes.

Q. Did you understand he was loading his tanks, or capacity? A. No, loading the passengers.

Q. They had but one gangway through which they loaded the passengers? A. Yes.

Q. What did you tell the tug captain? A. I gave the order to the captain; I told him to be sure and not heave any line. I saw the tug was backed up and the line hanging loose.

Q. What is your blame, Harbor Master, who is to blame for these conditions? A. Well, it is pretty hard to answer that. If I was captain of the boat and felt as I do now, and I had taken the passengers on board, even although I was ordered to, and the Government allowed me, I don't believe I would take them on. In my opinion, the boat carried too many passengers.

Q. Suppose they hadn't allowed the passengers to go above the second deck? A. The second deck is pretty high.

Q. How long do you believe the captain would retain his position with the company if he had less passengers on than the Government allowed? A. I don't think he would have a chance.

Q. Still you expect him to have done that? A. That's my experience.

Q. Is the captain supposed to know the number of passengers the boat should hold? A. I think the captain is responsible. He is the captain of the boat.

Q. For its construction? A. No.

Q. Now then, isn't it a fact, in the engine room on the steamer Eastland is an indicator, and it is the duty of the engineer to watch the indicator all the time and see that the boat is on its keel? A. Yes, sir.

Q. That's the engineer's duty? A. Yes, sir.

Q. And if he doesn't do that properly, it is the captain's duty—— A. To see why he hasn't done so.

THE CORONER: You say that they removed one deck down east, that correct, that the boat was cut down one deck? A. Yes.

Q. Why? A. Well, it was too high.

Q. Top-heavy? A. Yes.

Q. Now, then, when that deck was cut down the roof was removed also, was it not? A. Yes, sir.

Q. What difference in weight would the removal of that roof make if you used that roof above for passengers as you have testified here today? A. Well, I do not think that made much difference in the weight of the boat, the only difference it made it kept the passengers down lower one deck.

Q. Yes, but you told me you believed there was a good deal under water? A. Yes, but there was still another deck, if the upper deck was taken off the amount of weight of the deck itself would amount to the weight of the passengers that would get up there.

Q. Do you believe now under the existing conditions as the boat toppled over if there was no passengers on the roof of the hurricane deck that she would have toppled?

Q. Do you believe under the conditions if there had been no passen-

gers on the so-called hurricane, on that deck, she would have toppled over? A. If there had not been any?

Q. Yes. A. Oh, I think she would just the same.

Q. You think she would? A. Yes.

Q. Why? A. Well, of course she has all the boats on the upper deck and the promenade deck is very high, her ordinary sheeting is heavy, she is of different construction than our regular run of lake boats out here. One thing that causes the heavy top is the sheeting goes up to the upper rails, that iron sheeting certainly to a point adds to the top heaviness up into her bow, goes right within fifty feet of her stern, or within 25 feet of the stern.

Q. You understand, Mr. Harbor Master, this top sheeting was iron, that caused her to be top heavy? A. Yes, sir.

Q. Do you know since that was done and the boat came back from the east to the states they put six thousand tons of concrete down, used it for flooring purposes? A. No, I did not know that.

Q. Six thousand pounds, not tons, that correct? A. No, sir

Q. Yes? A. On her upper deck.

A JUROR: Three tons—six thousand pounds.

THE CORONER: Well, now, just a moment. Mr. Wood in the room?

MR. WOOD: Yes, sir.

THE CORONER: How many tons of concrete was supposed to have been used in the construction of the concrete floors of the steamer Eastland?

MR. WOOD: I made no estimate of it. I have not got the plans. I would think nearer six thousand pounds than any other.

THE CORONER: Six thousand pounds?

MR. WOOD: Yes, sir, about three ton.

THE WITNESS: Where was it put?

THE CORONER: What?

MR. SULLIVAN: On the dance floor.

THE CORONER: We will get that, where it would be put.

MR. HOYNE: It was supposed to be on the dance floor.

THE CORONER: Did you know that several tons of extra life-preservers were placed thereon—three ton and a half of extra life-preservers? A. Why, they would necessarily be increased if the passenger list was increased—the life-boats and life-preservers.

Q. What floor was the mess-room and the kitchen located on that boat, do you know? A. That was the promenade deck.

Q. Well, then, that concrete floor was on the promenade deck? A. Yes. You see, placing that on there, it would be hardly offset, taking off the upper roof; six thousand pounds in a boat her length—she is 235 feet spread all over—it would not be a great deal of weight.

Q. How far would the promenade deck—this concrete was on the promenade above the water line? A. How far above the water line?

Q. Yes? A. I should say, between 20 and 26 feet.

THE CORONOR: I guess that is all. Any of the jurors any questions?

MR. SABATH: I want to ask one question.

THE CORONER: Certainly.

MR. SABATH: Mr. Harbormaster, is it your opinion, if the Government limited the capacity of the boat to 1,200 instead of 2,500, that the accident would not have happened under the circumstances that it happened? A. Well, I do not think it would. Of course, if they had only allowed seven hundred or a thousand people up there on the upper deck, it is a question in my mind whether or not she would not go over; if they did not get any weight on the bottom and put it on the top, then I think she will go over.

Q. Your idea is that with the 1,200—if they had 1,200 improperly distributed—the boat might go down? A. Yes, I think—I think she would go over, if you put all the weight on the upper deck without having any water ballast.

MR. SABATH: Might I be privileged to ask a question or two?

THE CORONER: Certainly.

MR. SABATH: When you called the captain's attention to the fact it was listing, and that you would not give him the bridge, did he then order the lines to be loosened? A. Yes—well, he had ordered the stern line loosened before that time; the moment he gave the "stand-by" order, that meant to me the order to cast off the stern line. The man casting off the stern line ran forward for further orders and said, "What do you want cast off now?" I said, "No lines; leave that line fast." There were no more lines cast off. I told the captain that I would not give him permission to cast off a line until he had the boat trimmed.

Q. How many lines were fast when she started to go over—when she finally did go over? A. There was the stern line, aft and forward, the breast line and the bow line; there were four lines—the bow line, breast line, forward—four lines.

Q. How many lines were released? A. Only line that was—the stern line; that was released. That was five lines in all.

Q. The captain, after she was ready to go, did give orders to release the lines until you called his attention that you would not give him the bridge until he righted the boat? A. Evidently, because he had given his "stand-by" signal and cast off one line, and this man came up to cast off the rest of the lines, and I would not let him.

Q. Every captain of every vessel is held responsible for his vessel—that the rule universal? A. That is the general, universal rule.

Q. He is supposed to be thoroughly familiar with the vessel? A. Yes, he is the only man who really knows the vessel, supposedly.

Q. How long has he been on this vessel, do you know? A. He went on there the 20th of June, some time in 1914; he has been on there since—this is the second season. He came on the boat about the 21st of June, last year—that is a year ago last June, 1914.

Q. Well, was the stern line again fastened? Didn't they have it tied—fastened? A. No, the stern line was not fastened.

Q. Well, did you hear him give any orders at all after you called his attention to the fact that the boat was listing and you were not going to give him the bridge? A. He had given no orders at all, because he did not have time to give orders, he was standing on the end of the bridge, talking to me, when I was telling him about the ballast, and he stepped to the outside railing, with his hand in motion and he told them to get back. When she gave a lunge to port he yelled out, "Get off the boat the best way you can." That was after the stern line was cast off, this man ran up to cast off the bow line and the breast line.

Q. The tug was not pulling on the boat? A. No, sir, the tug was not pulling on the line, because the line was hanging in the water and the line from the tug, the boat, the bow, to the bow, in my mind, there was just about enough room for the tug to stand between the stem of the Eastland and the bridge. The tug between the stem of the Eastland and the bridge showed the bow line was up from the deck of the tug—there was no chance to pull on the line. To make sure, I gave more line on the tug and the line was hanging.

Q. In view of the fact there was no resistance, due to the fact that the boat was right close to the landing—there being no water between here (indicating), that in itself would be responsible for any boat to list, there being no resistance on that side? A. Well, I do not think so, sir, because the lines are made fast, but they would have a tendency to haul over the other way. The

lines themselves, they were awfully taut; it was not possible for a man to throw off lines, anyway, because they were too tight.

Q. That is one reason why the lines always held to the very last minute? A. Yes, sir.

Q. Notwithstanding the fact, they commenced loosening the lines before she was filled—I mean her ballast? A. Yes, before she had her ballast.

THE CORONER: Any further questions?

JUROR: Now, as the boat lies there in the river, the stern is out some fifteen feet in the river—fifteen feet further out than the bow? A. It is a trifle further, but I don't know how much.

Q. Did that, in your judgment, swing out after the stern line was loosened or the slack? A. Yes, I believe that, because, you see, the breast line was made taut forward; when they threw the stern line that strain pulled the boat in further forward and allowed the stern to go out over and made an extra list.

Q. So some part of the boat was a good way from the dock when she went over—that is, there from the dock? A. Yes, sir.

Q. You got there at 7:10? A. Yes, 7:10.

Q. What time did she go over? A. I think, if I remember right, it was either 20 minutes after or 7:30; my office reports 7:20, but I have 7:26, according to my watch over there.

Q. Somebody said the engineer said that he got his orders to stand-by at 7:26. Is that right? A. Well, I think, sir, that is about right. If I think properly, I think she went over at 7:30. I remember that now, because I said—I said that is 7:20, my office reports 7:40; it must have been 7:30.

Q. Was the gang-plank out when you got there? A. Gang-plank—then it was taken in.

Q. The passengers still going aboard? A. The passengers still going aboard and I stopped them.

Q. What time intervened between the time they stopped taking passengers aboard and the time she flopped over? A. They stopped taking passengers aboard just the moment I got there. I walked down the ladder to the dock and I sent all the passengers over to the Roosevelt. That was 7:10 when I got there.

Q. You saw the gang plank in position? A. Yes, I saw the gang plank in position.

Q. Was it horizontal? Did you climb up to the boat or drop down to the boat? A. I do not remember that, sir.

Q. Somehow or other you got the idea that the tanks, the ballast tanks, were empty? A. Yes, I have that idea, of course I have those principles in my mind, I have the idea that those tanks were empty because they never carried water in them.

Q. Part of that was due to what you knew of the custom of the boat? A. Yes, sir.

Q. Was part of it due to whether it set high or low in the water? A. No, it is the boat itself.

Q. You discussed this matter of carrying water with the captain before? A. Yes, sir.

Q. Tell us as much as you can what he said and what you said? A. Describe—all he said to me was—that was something that I could never get into my mind, I have tried to find out ever since I have been appointed harbor master—why the Eastland does not carry water.

Q. How did you know she did not carry water? A. On account of the way she trimmed, she is always lunging on the side, she is never ready until the moment she ships off, she always gives a lunge according to the side she is tied, but I know the boat so well, I never was much—I know she doesn't carry water, that is why I have been trying to find out why she did not carry water, the only satisfaction that I ever got was they did not need any water.

Q. That is, they did not need any water after they got out into the lake and have the screws going? A. That they do not need any water. That is all the satisfaction I could get, they didn't need water.

Q. The pumps ought to fill the tanks with water in three to six minutes? A. On the stroke they can fill their compartments in four to six minutes, they can trim her in fifty to thirty seconds.

Q. You fill the whole number of tanks in three to six minutes? A. Yes.

Q. And yet they were working 17 minutes and had not accomplished very much; have you got any idea what the trouble was? A. My idea is, sir, that there is something wrong with the pipes or pumps, there is something wrong with the machinery or the handling of them because they could not get them open in time, I do not think they took in water on the starboard tanks at all. I have understood from the assistant harbor master she had a little list to starboard and they trimmed her all over with the port tank; now in that case they had thrown the water from the starboard into the port tank and could not get it back quick enough, that is my idea.

THE CORONER: Would the stability of the boat have anything to do with that? A. No, I do not think it would, that it would make any difference at all, because if you are unloading in the lake into small boats your rails high, you can take water ballast throughout one side and the other also you can load up the gangways and into small boats, you can control in unloading, you can do it in half a minute's time.

MR. HOYNE: Going back to Dr. Evans' question, you said in answer to that—"You could not get satisfaction"—what do you mean by that—in your talk with Pedersen, what do you mean by that? A. No, from my own knowledge, I would like to know from my own knowledge why they didn't carry water, I would like to know why, I have asked everybody connected if they knew anything about the boat, "Why they did not carry water?"

Q. Well, how many times did you talk with Captain Pederson on that subject? A. Just once before.

Q. What other officials did you talk with? A. No officials, my own assistant, people I know that generally know something about the boat.

Q. Did you not talk on the subject with anyone else connected with the boat, the steamship company? A. No, sir, but the answers had been given to me such as they have been anxious to get out, "they are dragging on the bottom," some excuses of that kind, still there is always mixed, there is something wrong with the working parts of the water ballast tanks.

JUROR: These tanks, they pipe to a center, or one place, that true? A. No, I think she has got on each side, I think she has eight on the side, they are six-inch openings, I think that is what the chief engineer said to us the other night.

Q. Would it be possible—what I am trying to get is this: Would it be possible for the engineer to suppose he was pumping into a certain tank on account of some valve being out of order and he might be really pumping from that tank and pumping into some other tank, pumping water out of the tank and out of the ship? A. I thought that might be the case because the chief engineer said he had one tank, "Four," on the starboard, was the most defective tank he had been working that day, he was trying to get water in it and it would not work.

Q. That was when you were talking with him when you were on the deck? A. No, sir, this was when he was talking to us on Saturday night in the chief's office.

Q. That was a tank on the dock side of the boat? A. Yes, sir.

Q. This was his most defective tank, usually? A. Yes, sir, he was trying to put water in there and for some unknown reason he could not get water in there fast enough.

Q. Did he say some of his tanks, some of his others was ineffective? Did he say this was the most ineffective? Did you know about those being ineffective? A. No, he did not. I suppose that he meant this tank carried more than the others.

Q. And this day it didn't work? A. This day he could not understand why he could not get water in there.

Q. He had known that from 7:10? A. For 17 minutes he was trying to trim it.

Q. That was at 7:09, you say he worked with them until 7.26? A. Yes, sir.

MR. SABATH: After she was listing so much would it be possible to pump air instead of water on that side? A. Well, I don't know that it made any difference, I think in my mind he was trying to pump water in his port side and pumped it over in the starboard. I do not think he was taking any water in the starboard at all.

JUROR: One witness testified when he went aboard he saw water pouring out of several openings on the starboard or the dock side, did you see that? A. Yes, I seen one outlet after the gangway, I should say perhaps a four or five inch outlet that was throwing out water.

Q. That was probably filled from the bilge? A. Yes, sir.

Q. Did it strike you that the water going through the several holes was all in excess? A. Well, it did strike me—I asked the captain about it at the time, he said that he thought it was just the bilge being cleaned out.

Q. You asked your assistant at the time? A. Yes, sir.

Q. In other words, it struck you for some reason that there was an excessive amount of water going out? A. Yes, sir.

Q. Isn't it—knowing the construction in these docks—the pipes down there, isn't it possible that through some valve being out of order, the water they were trying to pump in this tank was really going out of the side of the boat? A. Well, it is possible, yes, sir. Of course, now on my steamboat last year I used to throw my water through the condenser on the other side—I had two six-inch openings——

JUROR: Did you notice the water-line, in other words you have also a water line? A. Yes, sir.

Q. Did you notice the distance of that line above the actual water line? A. No, I did not, of course I expected to see that—I expected to see that, the port water line would be submerged entirely, considerable of the starboard was showing because I have seen her so many times at her dock at Rush street with a little list, she covered the water line on one side and the other to the water line and on one side she was totally submerged on the port side.

A. No, I don't, of course I expect to, no I expect to see that, I expect the water line would be submerged entirely, and the starboard water line was in the center, apparently, her water line wasn't very high, with a little list, she covers the water line on either side, or the other, the water line on the port side was totally submerged, on the port side.

Q. Did you notice her when she capsized, whether there was a strong line of demarcation between her high line and lower line, her low line and her water line, in other words, the paint marking centrally, you noticed that how low that line was below the top of the low water line? A. No, I didn't. I asked Captain Wrenn, from what he could give, it seemed, I think, about her draft, that he kept a record of the amount of water at this time, and stopped.

JUROR: I suppose from the appearance of the boat, the way she was lying there, would indicate that the top of her water line, indicated the water line was two and a half feet above the actual water line, would that amount to anything, to your mind, with relation to this ballast? A. Why,

not in her, it wasn't a new boat, it probably would of course, if they came into the dock with a new boat, if it came in, I would have the water line—there is nobody else who knows what the water line is; a new boat coming down there, I would pay particular attention and my mind would be fixed where her water line was, the actual water line.

Q. There is nothing the Government requires about marking where your water is in, a mark or anything? A. What is proper? Upon the stern and the bow, up to about six hundred feet, whatever they carry, a midship's line.

Q. Did you notice the Government inspectors there? A. No, I didn't notice any Government inspectors there, because I always take it for granted they are there as a matter of form, men provided with the boat.

Q. Do you know with whom the responsibility lies for the leasing of the boat, or the boat engaged for the day, as far as the officer and crew are concerned, towards the leasing of the boat, in other words, is the office, the captain, responsible to the leasing company? A. Well, the captain is responsible to the owner for the maintenance, and he gets his orders from the company.

Q. When the owner leases for a day their boats, they are leasing a crew of seventy-one, is that your understanding? A. Yes; I would say that the captain gets his orders, and is controlled, probably, from the owners of the boat—he is carrying out the letter of that contract.

Q. Is he then subject to the orders of the firm who lease that boat? A. Well, not entirely.

Q. Is that the right idea? A. Not into the maintenance of the boat; I think he is responsible himself for that.

Q. He is not responsible for the party that leases the boat for the day? A. No. I shouldn't think so; he is responsible for the maintenance of the boat himself.

Q. What happened in the twenty minutes between the time the gangway plank was pulled up, up to the time she went over? A. He was trying to trim the boat.

Q. During that twenty minutes he was trying to steady up his boat? A. Yes, sir, trying to steady the boat up.

THE CORONER: Any questions, Mr. Sullivan?

MR. SULLIVAN: You say, or you think, that this boat, if its tanks weren't filled while she was going in or out of the river, the failure to fill those tanks might be due to some economic question, might it not? A. Naturally, yes, sir.

Q. It would take more coal if the tanks were filled, wouldn't it? A. Yes, of course.

MR. SULLIVAN: That is all.

THE CORONER: That is all.

Witness excused.

THE CORONER: The next witness, Mr. Lynn. Bring him in.

JOSEPH R. LYNN.

Q. What is your full name? A. Joseph R. Lynn.

Q. Where do you live? A. 6915 Princeton Avenue.

Q. What is your business? A. Assistant Harbor Master, City of Chicago.

Q. Stationed where? A. At the Wells Street bridge.

Q. What are your duties as Assistant Harbor Master? A. To assist the Harbor Master in the discharge of his duties.

Q. Where were you about seven or a half after seven, last Saturday morning? A. I arrived at the City of South Haven dock at 7:20 on the 24th.

Q. Yes? A. Coming from the south, I went down the stairway, working my way through the crowd of passengers that was endeavoring to get aboard the Eastland, and I went as far aft as the gangway, and they were taking passengers in when I arrived, and I found that they had closed the gangway and they were informing such as were waiting to come aboard to go back and go over to the Roosevelt, at her dock.

Q. Yes? A. It was understood between our office and Mr. Greenebaum of the Indiana Transportation Company that we would endeavor to facilitate matters by giving them bridges at any time that the other boats were loaded and ready to go through the bridges that ran inside of a bridge hour. I had made all those arrangements the night previous, and her hour was set for about 7:45, and previous to this I had been in the office of the Indiana Transportation Company and conferred with Mr. Greenebaum in relation to the hours of departure of these different boats—about five or six arrangements.

Q. Yes. A. The Eastland was to leave the South Haven dock at about 7:45; the Roosevelt at her dock at 8:15, that is east of Clark Street on the south side of the river, and the Petoskey to go from Wells Street, immediately after the leaving of the Eastland, and leave there at about 8:45, which would make about a difference of half an hour in time between the steamboats. And the Racine was to leave the Roosevelt dock at 9:15, and the Rochester from the Roosevelt dock at about 10 o'clock. I followed along after these passengers that were refused admission on the boat, until they were all off that dock, up over the stairway, on the approach of the Clark Street bridge, and when I was at her midship gangway I looked over the side, and it appeared to me she had considerable of a side list, more so than I had seen her have at any other time that I have been down to the dock at the Rush Street bridge.

Q. To what side? A. To the out, the port, and the starboard means the river side, and I walked along there to where her spring line was, and met Mr. Weckler, the harbormaster, and I made the remark, "Ad, she has got quite a list"—we called him Ad—"Ad, she has got quite a list," and he says, "Yes; it is a shame to let that boat go out with that load on her." And I looked down the bridge at the same time, about, and saw Captain Pederson there, and I says, "Good morning, captain," and he answered me back, and Captain Weckler said, "Are you taking in your water ballast," and he nodded and said, "Yes, I am trimming," and he left the starboard side of the bridge of the boat and walked out of our sight, and I noticed that the spring line was particularly tight, and I tested it with my foot; and I walked to her waist line. It wasn't in line forward and I noticed that it had a considerable of a side list, and I went forward to the head line, and it didn't seem long, and came back again, and I think that I had walked over the after gangway this third time, and back to the spring line again, and she had gone over four inches to my idea, what I had seen her former mark, for the water had gone down again, and I would say then she was very close—she had very close to an eighteen-inch list, from observation. She was down; her bow was pretty near off the dock, and the stern was in close to the dock to take the passengers down there. I went forward again to where I could look across her stem, and I leaned against the building, and looked up at her so that I would be perfectly firm, and wouldn't be swaying, and I saw her going, and I hollered to Mr. Weckler that "the boat is going over, get off; if she goes, we are going with her," and at that Mr. Weckler appeared by the stairway, and I heard him holler "Ed!" and I looked up and saw him coming out of the gangway, and my first impulse was to get back to a telephone, which I did. And I ran up the stairs on the approach of the bridge, south to the iron bridge, and goes back to the City of South Haven dock, and, arriving on the first floor, I had to go west 150 feet, then back to get up another flight of stairs, and then came in here and got into the South Haven steamboat line's office, and I got a telephone and immediately telephoned the City Hall and had them send all the ambulances and pulmotors and lung motors, and to notify the police department and the fire department that the Eastland was turning over, and that is

about an interval of nine or ten minutes from the time I landed on that dock, and I set the telephone down and looked out, and saw that the tug was in close under her bow, and that they were jumping onto that, and the people were climbing over her side—the starboard side—in over the side, and some were jumping out into the river, and throwing life preservers and other things, and the dockmen were throwing everything, and I grabbed a telephone book, hunting for the city boat company, to come and cut holes in her—upon her—between what you would call her second, you would call that the second main deck—that is, her cabin deck. An opportunity to get out would have to be through those portholes—those on the starboard side were going over the rail to get on her side and stand on them, and I tried to look at it, and I didn't know where to look for it, for those ox-welders, because they had to cut places for them in order to get down into the cabin, and I tried the big phone—the regular day company's phone, thinking that they had one over there, and I asked where to get them, and I couldn't get that office, and I came back down onto the dock to assist in throwing all the lines that I possibly could, brought from the docks. The yardmaster—probably he was there, and every description of things over to the boat, and endeavoring to get those people quieted, and to throw the lines around the river side of this to those who were in the water, and I went over to La Salle street, then to South Water, down South Water to Wells and across the Wells Street bridge down the dock to the Dunham Towing Company, to inquire if they had such a thing there, and I was unable to get this tug company on the phone.

Q. Yes. A. And that is all there is about it.

Q. Did you notice approximately, could you say about how many passengers were on the hurricane deck on the roof, on the upper deck? A. No, I couldn't see as to that at all, for I came down, I came through the boat from the south, Clark street, this way, and turned on these stairs, and I didn't pay any attention much to the number there, just how many on the stairway, down on the dock, if I came on the outside of those people, if so, I would be on the river side of those people. I didn't pay any attention to the number up there, but I do remember distinctly one or two girls who were coming back to get to the Roosevelt, and there is two ways we could get on the lake at the ———— they came towards me, and motioned to somebody, and I remember that I made up my mind then she had her number aboard that day, or they hadn't shut them off.

Q. What do you believe this accident was due to? A. Well, I believe that the boat was on the bottom aft amidships.

Q. Do you believe the boat was on the bottom? A. I sincerely do believe she was on the bottom.

Q. And what would cause her to go to the bottom? A. Not sufficient amount of water, close to the bottom, I think she was lying sort of on a bank, and naturally it threw her like that, and she dropped off very rapidly.

Q. Did the boat squat any? A. That I couldn't say, she naturally would with the passengers on her, if she had any water in her, her engines like that, being aft, would hold her stern down.

Q. If the boat did squat to the bottom, would that cause her to turn over? A. Providing that she lay on the bank, what I call the bank is that sloping bottom.

Q. The sloping bottom? A. The sloping bottom.

Q. Did the bottom slope towards the river? A. I couldn't say, she was along that.

Q. If the boat was leaning towards the north of the river, what would the result be? A. Have to trim the boat to keep her even.

Q. Was the Eastland considered a cranky boat? A. Yes, sir.

Q. Was the boat hard to handle? A. No, not hard to handle. On account of being a twin screw she would be harder, she would be a great deal easier to handle if she was a single screw.

Q. What made her cranky? A. I think that her construction made her cranky.

Q. How much stability did the boat have? A. That I am not positive.

Q. Have very much? A. Not enough to offset the amount above her water line.

Q. But in case of lifeboats and life preservers do they amount to much? A. Life rafts, an excess amount of passengers upon her deck, that means her hurricane deck, would offset that.

Q. The cause of the conditions you testified to, the shape of the boat, the heavy load high up, the importance of water, water ballast, the amount of stability, the number of feet of stability, do you believe that boat to be a safe boat to run across Lake Michigan with hundreds of passengers on it? A. Well, if that boat had in her water ballast, under motion and not all the passengers on the hurricane deck, I would ride on it. Capt. ———— remarked on the bridge she has an awful load on the hurricane deck, assuming that would make her top heavy, providing she started to make any list.

THE CORONER: Mr. Harbor Master, because of the conditions of safety of the boat, did the passengers depend entirely or not on the ballast, and if it should refuse to respond under the conditions you spoke of, you would be gone, is that it? A. Yes, sir.

Q. And if he noticed that it was not responding there should have been a general alarm sounded out on the boat? A. He should notify the captain or the first officer.

Q. I presume they believed all the time that she would respond? A. I sincerely believed that she would respond. If she had her water ballast in, plenty of water underneath her keel with any similar amount of passengers on the different parts of the decks, she would have been all right.

THE CORONER: Now if the boat was grounded, which is dangerous according to your evidence, if this boat was tied up to her dock, Mr. Weckler, in shallow water would she ground? A. Well, if the captain knew that there was not sufficient or enough water there to allow him to take on his passengers with safety, he should never go to that dock.

Q. How would the captain get that information? A. Have to sound the river.

THE CORONER: Don't you think it would be a good idea if a water ship were to undertake to measure the depth of the water? A. We are figuring on that, taking the depth of the water at different parts of the City of Chicago and the water level.

Q. That really ought to be done? A. That really ought to be done.

Q. Never has been done? A. I don't think so. I understand once, a long time ago that they objected to having too much water at different parts of the Chicago river on account of the foundations of some of the buildings.

Q. Do you believe the captain of the boat before running the boat into the dock ought to send someone ahead to measure up and see if the water was deep enough? A. No, because the City of South Haven and other boats have been leaving from that dock and the South Haven don't draw any more water to amount to anything than what he did.

Q. Has the Eastland ever left that dock before? A. I don't remember of her leaving the dock. I have seen the Eastland leave her dock at Rush street bridge.

Q. Never saw the Eastland at that dock? A. No—I am not positive.

A JUROR: That stern line loosened or placed out? A. When I was at the gangway her stern line was not out, but her breast line was out. It was made fast.

Q. The breast line was made fast? A. Yes, sir. The stern line was taken in. There was no stern line at all.

Q. That section had been placed there since the accident? A. I am not positive about that. The only line that I saw with the strain on it was her breast line, but near her gangway—I think I just remember of hearing the signal to stand by, a signal of the engineer to prepare to leave the dock, take in the stern line, that is his position, that being to start the boat in motion, and he would let go of his breast line and spring line and the tug then would pull his bow out parallel with the draw of the bridge.

Q. Would he let go of the stern line? A. He would let go of his breast line. That would be the last thing he would let go of.

Q. Of the breast line? A. Yes, sir. Let go his head line and breast and hang on to his spring line. Then he would work her stern off because the tug would pull his bow out, and if he endeavored to work his engine, he must loosen the starboard wheel.

A JUROR: About this stern line, you remember whether the stern line has been taken in, or had it just been strained? A. I don't know, sir. I don't remember of that at all. All I noticed it had a strain on it to the dock, was the breast line, her aft breast line.

Q. But you don't know about the stern line? A. I don't.

Q. The boat as it lays there, the stern is about 15 feet further out to the stream than the bow of the boat, what would that indicate to your mind? A. Apparently then that the strain on the forward line, spring line and breast line forward, that she would go down quicker aft than she had forward. She went off in that manner like (indicating) instead of going completely over at right angles, like she would go down over her quarter like in that manner (indicating). Like that here is the boat (indicating), she would go in that manner like (indicating). That would be under water perhaps bow forward. The rear quarter would be entirely underneath the water before her port bow would, because her spring line—the stern was working out into the stream, and would naturally with those lines forward hanging on slant that way.

Q. What effect would that have in your opinion if she was on the bottom in the middle—suppose she was on the bottom in the middle, would she work out in the stream? A. I can give you an idea of how I mean, take this table as the dock line (indicating), the boat's stern, the starboard quarter was nearer the dock than what the port bow was laying that out here (indicating) and this breast line would be about here (indicating). She would have the gangway off of the deck to take the passengers on. When she started over if that line held on to her that naturally would bring her in to the dock as she went over. As it was that line must have been carried away or slipped up or something. This line being here in this manner and her breast line having her strain on it, it would have a tendency to draw her in like this and throw her stern out (indicating). She drew the most water aft. She has more flooring aft, or displacement as we call it. Her ship is more like that aft (indicating) and more like that (indicating) forward. Her lines are so sharp, speed lines, that she has not got the amount of displacement forward of her beam that she has aft of her beam in her waist.

Q. This forward your right or left hand? A. Left.

Q. Your left hand? A. Yes, sir.

Q. Does the motion of the boat this way (indicating) or that way (indicating) have a tendency to put or draw this (indicating) close here? A. That would be a good deal like her lines are on her bow, great deal like it is as you go up, spread out a little bit and drawn in again.

Q. The fact that her stern line was out in the stream to your mind does not mean that she was on the bottom? A. I believe she was on the bottom.

Q. Her bow was floating? A. Her bow was floating.

Q. Have you made any soundings around there? A. Not yet, sir. I didn't want to make any soundings until after they dragged there.

Q. Do you know whether any of her engines had started when she went over or not? A. No, sir.

Q. None of her engines had started? A. No, sir. In that case—in that case you would hear her chadwin or ship's telegraph on the dock. He didn't give any signal to the tug or anybody else that she was going to leave the dock by whistle or chadwin. He gave him the stand by, which we always give to stand by your engines.

Q. Suppose he lost his stern line and didn't start up his engines at all, would his stern tend to flow out into the river? A. Providing it was in deep water.

Q. With this strain on the lines forward and if it had floated out into the river, would that make any difference? A. No difference about some places on her. If she was near the midship on the ground this strain on this spring line forward, spring line or breast line forward would have a tendency to bring her nose in.

Q. What is the beam of that boat? A. I think it is 38 feet. There is not much difference in her body from her moulded shape.

Q. How deep is the water by the boat as it lies there? A. On the outside she is about half beams. Forward I noticed that her cabin is out, and the parallel line of the keel is out of the water, but her steering gear in the pilot house is under water, indicating that she is over half of her down.

Q. Amidships she is about nineteen feet under water. A. Yes, sir.

Q. She drew about twelve feet of water. A. I believe her water line, that is her red water line has been struck in on her as about nine feet draft, but there is an indication that she has not been over nine feet of water.

Q. The water there seems to be nineteen feet deep. A. She is on that bank. She is laying down flat, because if she was not she would not be so level on the starboard side that you can walk on there now. She is laying on her side.

MR. SULLIVAN: You say that a general alarm could have or should have been given by the engineer? A. To the officers of the boat.

Q. To the officers of the boat? A. Yes, sir. If the danger of her capsizing became apparent, I naturally suppose he would do that, providing that he knew it in the engine room.

Q. Don't they have an indicator that shows when she is listing? A. Yes, sir.

Q. Do you think he was trying for seventeen minutes to right the vessel? A. I didn't say that.

Q. Testimony has been introduced here to that effect. A. I am not positive as to that. In fact I am doubtful as to whether the engineer exercised good judgment in not so informing the other members of the crew. An engineer as soon as he loses his bearing he should notify the first officer or second officer, who are deck officers, purser or stewards, who would be very apt to give the first notification.

Q. As to this lapse of time, what do you say about that? A. If he has made a statement himself that he was seventeen minutes trying to get water ballast into that boat and was unable to get it in, there is negligence on his part in not notifying everyone in the crew of that boat and notifying the passengers and doing all that possibly could be done to get them off of the boat.

Q. You say that positively, do you? A. Providing that it took him seventeen minutes to fill her tanks and have the pressure on them to show that she was in water ballast trim.

Q. You say that positively the stern of the boat was on the ground? A. It is quite possible that somewhere it was on the ground.

Q. What reason have you for thinking that? A. When I came, as I think I mentioned it before, forward or aft, being back of the gangway where the passengers had been admitted, I noticed bubbling in the river, which would indicate that the bottom of the river was being disturbed by something, which I have seen lots of times.

MR. SULLIVAN: That is all.

MR. KORSHAK: If the bottom of the boat had touched the river bed, would there have been any mud on the bottom of the boat or would it have been washed off? A. That is possible to have been washed off. Now on her starboard side, I understand she was going up there for her load to come aboard of her between 6 and 7 o'clock, something like that. If there was any part for the mud to get caught on, some scale of any kind that there might be above her keel on her starboard side, I doubt whether it would stay there with the commotion that had been made, by any water or anything there, taking from her water line and amidships and aft down, providing that that is not disturbed down where she lies underneath to the dock.

A JUROR: In regard to the water from out of the side of the boat, coming from the boat? A. It was what I take to be her bilge condenser, her air pump, when that is working. One valve, the small one, had about the same amounts I have noticed other boats lying at the dock.

Q. Was there water coming as if it was coming out in full force, filling up the entire opening? A. I can't say as to that. I am used to seeing the bilge ejectors working.

Q. In falling over to one side was the hawsers broke or the piling pulled out? A. The piling gave way from the fastening that was on the outside of the dock with the iron band around it and fastened to the dock, that pulled away until the line slipped off of the pile.

Q. In what way would the boat turn over if it was on the bottom and the trim tanks were filled with water and the passengers evenly distributed on the top, in your judgment? A. That is impossible to say. She would go whichever way she would take a list if she took a list. If she listed to port she would go out into the river. A boat will tip over easier on the bottom than when it is floating.

Q. Do you believe the tanks were filled with water or were they empty? A. Well, I can't believe that they were empty when the captain said she was trimming.

Q. What is the draught of the United States? A. I am not positive.

Q. About what? A. I think she is about, somewhere about seven or eight feet forward and about twelve feet aft.

Q. What is the draught of this boat? A. I am not positive what the draught is. I think it is nine feet forward. This boat would be under load, it would be fourteen or fifteen feet.

Q. Has the Roosevelt a greater draught than this boat? A. That I am not positive of.

Q. Did you know the Roosevelt docked at that dock there occasionally? A. Not at that dock.

Q. They stop there. A. Not at that particular dock. I saw her east of Clark street.

Q. You never seen her on the west side of Clark street? A. No, sir, not the City of South Haven or the Petoskey.

Q. Did you ever hear it was the custom to run that boat without any water ballast in this boat? A. I am not positive as to that. I never made but one trip on her.

Q. Did you ever discuss it with anybody? A. No.

Q. Never discussed that with anybody as to whether she was in the habit of carrying water ballast or not? A. No.

Q. (By Mr. Sabath): When did you reach the boat, do you remember? A. I made the remark to Mr. Weckler, "It is 7:20; I am on time."

Q. And you seen then that the boat was in danger? A. No sir.

Q. You started to test the lines? A. Not then.

Q. When? A. After the gangway in which the passengers had been taken and was closed, I then came forward.

Q. How long did it take you to go and come back? A. Not to exceed a minute—minute and a half. I only had to walk about 150 feet.

Q. But the moment you returned, you saw the boat was in danger? A. No, sir; she had listed. She was gaining from what I noticed; she was gaining on the list. When I came back, I made the remark she had quite a list; that's to Captain Weckler.

Q. When did you call Captain Weckler's attention to the danger; that was about that time? A. No, sir. Yes, sir, Captain Weckler had a conversation about taking in the water ballast or water. Captain Pedersen had spoken to him about taking in the ballast and I said to Captain Pedersen, "When you are all right, you can have the bridge." He said, "All right."

Q. He was in a position to notice the boat was listing heavily? A. The Captain?

Q. Yes? A. Naturally.

Q. Being on the bridge? A. Being on the bridge.

Q. Did you hear him or any one on the boat give any warning to the people? A. When I ran up the bridge my attention was attracted by a great deal of noise, hollering. I turned and seen what appeared to be members of the crew jump out of the gangway onto the dock, and Pedersen was hollering to get off the boat.

Q. And the members of the crew were the first ones to leave the boat? A. It appeared to be to be deck hands.

Q. You saw none of the officials of the boat leave the gangway? A. Oh no. I didn't see any one with a uniform on, or anything on their caps. When I spoke to Captain Weckler that the boat was going over, all my impulse was to get assistance.

Q. Have you seen any officer do anything to help?

CORONER: He just testified the Captain told them to get off. Captain Pedersen was hollering to get off the boat.

Q. (By Coroner): What I want to say, whether any police officer gave any warning? A. Can't say that.

Q. Were there any police around there? A. Yes, I understand there was an extra detail on the dock that morning.

Q. Did you see any? A. Only at the stairway leading down to the dock.

JOHN H. O'MEARA,

called as a witness, having been first duly sworn, was examined by the Coroner, and testified as follows:

Q. What is your full name? A. John H. O'Meara.

Q. Where do you live? A. 733 North Dearborn street.

Q. What is your business? A. Master of tug boats.

Q. Of tug boats or of a tug boat? A. Well my license reads "Master of 500 gross tons."

Q. What are your duties as a master of tug boats? A. Sail a tug.

Q. What tug were you sailing Saturday? A. The tug Kenosha.

Q. Had you made any arrangements for a tow-out? A. Yes, sir.

Q. Tell us all about it? A. Well, at 6:55 a. m. I was dispatched to assist the steamer Eastland out. I arrived at the bow of the steamer Eastland at about 7 o'clock—I only had a short ways to go, as the office is at Wells street. When I got there I tied up to a cluster of piles just south of the abutment on the south side of the bridge. I put a line over and let the tug

drift, drift in so she would lay out of the way of all water craft passing back and forth there. The cook asked if we would have time for breakfast. I sized up the crowd, and told him I thought we would, so we went down and started to breakfast. We started to breakfast and there was a call from the steamer Eastland to come and take a tow line. The lineman and fireman arose from the table and went up and took the tow line and made it fast. The engineer and I and the lineman finished our breakfast. We came up on deck afterward and talked among each other and watched the people come down and go on the Eastland. I went up in the pilot house and sat down there and the tug laid in this position with a slack line, and I should judge about—I am not exactly sure, I should judge about 7:25 or so—maybe not that late—some one hollered on the deck, "All ready Captain," and something about a bridge. Well, at that time, the position the tug boat was in—I could not tow the boat out. The nose of the tug was behind the piling; therefore I ordered the lineman to take off the line off the cluster of piling and back the boat up and come ahead of the starboard wheel, and move the tug up until the post was on the other side of the cluster of piling. The lineman went aft, because he knew when I backed up, I would put more slack in the line, and in going ahead twisted my stern around the stern of the Eastland. Of course he went aft and pulled the slack in, and when I got the tug boat headed for this cluster of piling, I stopped her out there and put my line out on the starboard side of my tug with my tug line to the north of this cluster. Then I lay there without the engines working waiting for the "All right" signal from the Captain. After a considerable lapse of time, I couldn't state how much—I should judge five to seven minutes, I began to get kind of uneasy. The signal wasn't coming; the Captain didn't work his stern out. He has to work his stern out before I pull the boat away because if I pull the boat away, the stern the stern of the boat would overreach the dock and wipe the dock and tear the blades off his propeller. When he works his stern out, he blows me the "All right" signal; then I blow for the bridge. I do not even move the tug from this position until I get the bridge, because if I move the tug boat out and take the slack out of the head line and put the bow out into the channel where the current is coming, I would be facing the other way. You can pull viciously and hard, but you cannot recover because the current will take you around. I can work the tug back in the current. I would not do it, because it would be poor judgment. I have to wait until the lines is gone and the bridge is open before I let go of my lines.

Q. You were waiting for the signal? A. I was waiting for the signal.

Q. Did you at any time attempt to tow or pull on the boat? A. No, sir.

Q. Where were you when the boat toppled over? A. I was in the pilot house.

Q. Did you see it topple over? A. Yes, sir.

Q. Tell us about the time, the number of passengers, and how many were on the hurricane deck? I. I could't say how many.

Q. Did you see any? A. I seen a few people.

Q. Evidence has been given here there were about 700 up there? A. You see my position is very low.

Q. They might have been there and you not know it? A. They might have been there and I not know it.

Q. How much time elapsed from the time the boat listed until it went over? A. The boat listed slowly to port and she hesitated. I didn't think there was anything wrong at the time. I began to notice the boat more closely and she began to list more gradually. She kind of hesitated and kind of seemed to stay there; I couldn't say how long, and I heard some one say something—I don't know whether it was the Captain or not; then there was a roar and a scream and screeching of people and over it went.

Q. What was it; you said "something," what do you mean? A. I couldn't get what he was saying. The people were standing in the buildings along there and remarking and saying things.

Q. What caused these conditions you have testified to? A. Well, I could not exactly say.

Q. What do you believe? A. I am not familiar with the conditions of the ballast at all.

Q. How often have you towed in or towed out the Eastland? A. I believe I towed her a matter of four or five times.

Q. Ever have any trouble with the boat listing? A. No, sir.

Q. Did you ever seen her list before? A. Yes, sir.

Q. Tell us about it? A. Well, in taking hold of the boat we always ran up forward. That would be her starboard side, and we start pushing the boat around, pushing her bow around so her stern would go down the river. Sometimes she would give a slight list and recover, and one time in particular I was told by the Captain to stay by the bow and tow her out again, tow her away from her own dock. That time I stayed and watched the people unload from the boat. After the people was on the dock, I took them away from the dock, first making him work out his stern and towed him out.

Q. When did you first believe, Captain, that the boat would topple over? A. Well, it was just about when she went. I really was of the opinion that she would recover. Boats will do that. They will go over a certain distance and find a buoyancy. They won't go all the way. They will probably stay there.

Q. (By Mr. Hoyne): The Coroner just asked you about a previous occasion you had seen the boat list; when was that; how long ago? A. Well, I couldn't give the exact date. I got it in my note book.

Q. About how long ago? A. Well, it was along during the month of July.

Q. Of this year? A. This year.

Q. That was when you were towing the boat in? A. When I was towing the boat in.

Q. To her own dock? A. To her own dock.

Q. Where was her own dock? A. At Rush street.

Q. On the north or south side of the river? A. On the north side of the river.

Q. And did she list at that time toward the dock or away from it? A. She would make certain lists on the river. She would list to one side and then recover.

Q. And you made a note in your book at the time? A. No, sir; I know of my own memory. At that time she was listed slightly toward the dock.

Q. How long have you been towing boats in and out of the Chicago River? A. Well, I worked here during the season of 1912, and I worked in South Chicago during 1913 and part of this season. The other time I was up North.

Q. Did you ever tow the Eastland before 1915? A. No, sir.

Q. Did you know anything about the reputation of the Eastland as being a cranky boat or not? A. Yes, I heard it stated she had some trouble—being cranky.

Q. Did you ever talk with Pedersen about it? A. No, sir.

Q. Did you ever talk with any of the employes about it? A. No, sir.

Q. Did you ever talk with the engineer about it? A. No, sir.

Q. Who employed you on the 24th? A. I received my order from the dispatcher.

Q. What dispatcher is that? A. The dispatcher of the Dunham Company, the Dunham Towing Company.

Q. You don't know anything about the contract made with anybody else? A. No, sir.

THE CORONER: Jurors. (No response.)

THE CORONER: That is all.

MR. SULLIVAN: Let me ask the captain one question:

Q. Captain, as you came down to the deck to haul on this boat you passed the stern of this steamer? A. Yes, and we passed right by her.

Q. And you were very close to her? A. Yes, sir right alongside of her.

Q. Did you observe the condition of the gangways, "the deadlines" above the water lines? A. No, sir.

Q. You don't know whether they were open or closed? A. No, sir, I do not recollect. My time, I am figuring on making a landing right ahead of her, you see, I am landing head on, I am watching very closely with my judgment so as to get close enough in I have my deck, I stopped where the cluster of piling is.

Q. How far would this boat list to port about to put her gangways and dead lines down to the water line? A. I could not state.

Q. All right; that is all.

A JUROR: Was the boat aground in your judgment? A. Sir?

Q. Was the boat aground in your judgment? A. Well, it is a hard thing to say.

Q. What is your opinion? A. I have stopped at the dock at La Salle street to tie up and in working my wheel, in backing up or going ahead I stirred up the bottom there but it happens that way pretty near all along the river on the sides. If you take a boat up here and we take a boat across the river the stern will always push up the bottom, or the shoe, or the wheel, will fetch up against the bank before it fetches up against the dock in some places, in other places where the big boats land all the time, in that place the boat would fetch up against the dock.

Q. Do you know the depth of the river at all these points, working on the river don't you know the depth of the river itself? A. No, not along the side of the river but in the center we are supposed to; I think, I should judge eighteen to nineteen feet, sometimes more or less, it depends on the rise and fall of the water.

JUROR: All right.

MR. HOYNE: That is all, captain. (Witness excused.)

THE CORONER: Mr. Wood, I want to ask you a question, maybe to expedite matters.

Q. Did you make soundings as you were ordered by me of the river alongside of where the Eastland tipped over?

MR. WOOD: I did.

Q. What are the various depths of the water along there? A. Seventeen feet, nine—seventeen, eight.

Q. A little louder? A. Seventeen feet, nine— seventeen, eight.

Q. Seventeen feet, nine and seventeen, eight. Did you ascertain the highest number of feet of water that the Eastland would draw with such a load as supposed to be on her last Saturday morning? A. No, sir; I haven't got a line, I have not got the vessel's lines or plans to make calculations.

Q. How many feet of water do you believe she would draw if she did not squat, just was stationary? A. I should think about fifteen feet aft and about ten foot forward.

Q. And in case the "squat" how many feet of water would she draw? A. About an additional twenty inches of depth.

Q. About an additional twenty inches of depth? A. Yes.

THE CORONER: That is all for the time being.

(Witness excused.)

WALTER C. STEELE,

having been called as a witness, after having been first duly sworn was examined by the Coroner, and testified as follows:

THE CORONER: Mr. Steele, what is your full name? A. Walter C. Steele.

Q. Mr. Steele, you are the treasurer and the secretary of the St. Joseph-Michigan Transportation Company? A. St. Joseph-Chicago Steamship Company, yes, sir.

Q. Does that company own the Eastland? A. Yes, sir.

Q. As Coroner of this county, Mr. Steele, the law requires me to inform you of your rights under the law, that you need not testify here unless you wish to, that the evidence you give here may be used against you in a criminal proceeding; you understand that? A. Yes, sir.

Q. Thoroughly understand it? A. Yes, sir.

Q. Are you represented by counsel? A. Yes, sir.

Q. Do you desire to testify under these conditions? A. Well, I don't know.

Q. Have you conferred with your counsel regarding this matter? A. I have not.

Q. I will give you an opportunity to confer. A. I will just turn around to do it.

(Examination of witness suspended.)

MR. HOYNE: Mr. Hoffman, I suggest while he is doing that we will put Mr. Wheeler on the stand before going to the Federal room. Mr. Wheeler (indicating) wants to read some documents into the record——

THE CORONER: All right. Confer with your counsel, Mr. Barbour.

L. C. WHEELER,

having been called as a witness, after having been first duly sworn, was examined by the Deputy, and testified as follows:

Q. Your name, Mr. L—— Wheeler? A. L. C. Wheeler.

Q. Residence? A. Chicago, Illinois.

Q. Your occupation? A. Assistant Division Superintendent Department of Justice.

Q. You are a Government employe? A. Yes, sir.

Q. I understand you have some records here of which we have no duplicate, if you will read those records into my record in case we require them? A. Yes, sir.

THE CORONER: You will be sworn, please.

(Witness arises and is sworn.)

MR. WHEELER: Mr. Coroner, you want me to read these particular records that you have no copy of?

THE CORONER: That is the idea.

MR. HOYNE: We have copies of some of them, we have just had today brought from Michigan. You have talked with Mr. Flemming, have you? A. Yes, sir.

MR. HOYNE: Just read this copy (indicating).

THE WITNESS (Reading):

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE AND LABOR
STEAMBOAT INSPECTION SERVICE.

Temporary Certificate of Inspection. Section 4421—R. S
Name of Vessel—"Eastland."

The undersigned local inspectors for the District of Cleveland in the State of Ohio, hereby certify that the passenger steam-vessel named "Eastland," of 1961 gross tons, of Rocky River, in the State of Ohio, whereof the Eastland Navigation Company is owner and George Philips is master, was

regularly inspected on the 4th day of June, 1913, by inspectors of the steamboat inspection service and found to conform in all things with the requirements of the law governing steamboat inspection service and the rules and regulations prescribed by the board of supervising inspectors. This temporary certificate is issued under the provision of Section 4421, R. S. of the United States, as amended by an act of Congress approved June 11, 1906, in lieu of the regular certificate of inspection, and shall be in force only until receipt on board said vessel of the certified copies of the original certificate of inspection filed with the Chief Officer of Customs at Cleveland, Ohio; this certificate in no case to be valid after one year from the date of inspection. The said vessel is permitted to navigate waters of the Great Lakes connecting waters between Cleveland, Ohio, and other ports, a distance of about ..... miles, to touch at intermediate ports, this certificate must be framed under glass and during the period of its validity must be conspicuously placed on the vessel where it will be most likely to be observed by passengers and others. Allowed to carry 2000 passengers when navigated on route at all points within five miles from land, or over waters whose depth is not sufficient to entirely submerge the vessel."

(Signed) THOMAS W. GOULD,
Inspector of Hulls.
JAMES M'GRATH,
Inspector of Boilers.

(There is a notation on the bottom under the signatures; reads as follows):

"This form of certificate of inspection was adopted by the Board of Supervising Inspectors, Steamboat Inspection Service, on February 7, 1911. Approved by the Secretary of Commerce and Labor on March 8, 1911.

THE CORONER: Have you the date of that document, I did not hear it read.

THE WITNESS: 4th day of June, 1913. The next (indicating) is checked as not being in your possession. "Certificate," meaning the certificate of inspection, character of vessel, route, equipment, et cetera.

DEPARTMENT OF COMMERCE AND LABOR.
STEAMBOAT INSPECTION SERVICE.
OFFICE OF THE UNITED STATES LOCAL INSPECTORS'

Board at Cleveland, Ohio, June 29, 1912. This certifies that the following amendments are hereby authorized under the certificate of inspection expiring on May 30, 1913, issued to the steam vessel named Eastland, classed as passenger; built at Port Huron, in the State of Michigan, in the year 1903 and last inspected in the local district of Cleveland in the State of Ohio on the 30th day of May, 1912, namely: Specifications in the above named certificate relative to lifeboat capacity and the number of passengers allowed to be carried are hereby changed to read as follows:

This steamer having been provided with 2184 cubic feet of lifeboat capacity, proper deduction being made for the crew of 75, is hereby allowed to carry passengers as follows:

143 passengers on route specified from September 16, 1912, to May 14, 1913, both dates inclusive.

1381 passengers on route specified until and including September 15, 1912.

2000 passengers between May 15 and September 15, both dates inclusive.

In any one year when navigating on routes which are at all points within a distance of five miles from land or over waters whose depth is not sufficient to submerge the vessel.

(Signed) THOMAS W. GOULD,
THOMAS W. M'GRATH,
U. S. Local Inspectors.

(Notation appearing on the bottom beneath the signatures as follows):

The original of this certificate must be transmitted by the Local Inspector to the Chief Officer of Customs where the original certificate of inspection was filed or where a copy of the certificate of inspection or examination of the vessel are filed, to be filed by the chief officer of customs with the original certificate of inspection or with the copy of the certificate of inspection or examination; and the duplicate of this certificate must be furnished by the local inspector to the vessel, which copy must be framed in glass and posted on board near the certificate of inspection. If the certificate is required to be posted or kept on board with the original certificate of inspection or examination if the certificate of inspection amendment required to be posted and to be shown on demand, local inspectors issuing this certificate will keep a copy filed in their offices with the copy of the certificate of inspection or examination. Any additional equipments required must be stated in full herein.

UNITED STATES OF AMERICA.
DEPARTMENT OF COMMERCE.
STEAMBOAT INSPECTION SERVICE.

Temporary Service Inspection—Section 4421 R. S.
Name of vessel—"Eastland."

The undersigned local inspectors for the District of Michigan, Grand Haven, in the State of Michigan, hereby certify that the passenger steam vessel named "Eastland," of 1961 gross tons, of St. Joseph, in the State of Michigan, whereof the St. Joseph Steamship Company is owner and Harry Pederson is master, was regularly inspected on the 7th day of June, 1915, by inspectors in the steamboat inspection service and found to conform in all things to the requirements of the laws governing the Steamboat Inspection Service and the rules and regulations prescribed by the board of supervising inspectors. This temporary certificate of inspection is issued under the provision of Section 4421 R. S. of the U. S. in lieu of the regular certificate of inspection and shall be in force only until the receipt on board of said vessel of the original certificate of inspection. This certificate in no case to be valid after one year from the date of inspection. The said vessel is permitted to navigate the waters of the Northwestern lakes, bays and rivers between ..... a distance of ..... miles and to touch at intermediate ports; this temporary certificate must be framed under glass and during the period of its validity must be conspicuously placed on the vessel where it will be most likely to be observed by passengers and others.

Persons allowed to be carried:
Officers and crew, 70.
Passengers, regular ( ).
Passengers, excursion ( ).
Total number allowed, 2253.

ROBERT REID,
Inspector of Hulls.
CHARLES O. ECKLIFF,
Inspector of Boilers.

This form of certificate of inspection adopted by the board of supervising inspectors, Steamboat Inspection Service, on February 7, 1911. Approved by the Secretary of Commerce on March 8th, 11—

"Said vessel is permitted to navigate the water of the Northwestern Lakes, Bays and Rivers ..... between ..... a distance of ..... miles and to touch at intermediate ports. This temporary certificate must be framed under glass and during the period of its validity must be conspicuously placed on the vessel, where it will be most likely to be observed by passengers and others. Persons allowed to be carried: Officers and crew, seventy; passengers, regular, ...; passengers, excursion, 2183. Total number allowed, 2253. (Signed) Robert Reid, Inspector of Hulls; Charles C. Eckliff, Inspector of Boilers.

MR. HOYNE: What was the date of that?

MR. WHEELER: That is the 7th day of June, 1915. Underneath are the signatures of the persons below as follows: This form of certificate of inspection was adopted by the Board of Supervising Inspectors, Steamboat Inspection Service, on February 7th. Approved by the Secretary of Commerce, on March 8th, 1911.

Q. Including the crew? A. Including the crew.

Q. Is that the most recent one issued? A. That is the most recent one I have seen, that is the work of inspection, you might say.

MR. SULLIVAN: Is that 1915? A. Yes, sir, June 7th, 1915, total number of passengers allowed, 2,753, which includes officers and crew.

MR. HOYNE: Mr. Wheeler, are you familiar with this certificates of inspection blanks yourself? A. No, sir; I am not.

Q. You are merely the custodian? A. This is the first time I have seen them, today.

THE CORONER: Let me ask Mr. Wheeler, is this certificate in force, was it in force on Saturday last covering the number of passengers? A. To the best of my knowledge that was, Mr. Coroner.

MR HOYNE: Well, the claim has been made here that that certificate—that that has been amended increasing the capacity to 2,570 instead of 2,253? That is the total there.

THE CORONER: At the request of the inspector.

MR. HOYNE: Yes.

THE WITNESS: Somebody, I don't know.

Q. If that be true, there is nothing in the Department of Justice at the present time of a documentary character indicating it.

MR. HOYNE: Well, I understand the testimony here is—— has been practically said that there were twenty-five hundred people on this boat? A. Yes, sir.

THE CORONER: Let me ask you further, Mr. Wheeler, is this document the original document that was on board the ill-fated steamer Eastland when it capsized? A. Well, the testimony, sir, in that connection would be hearsay, but this is the original document which was turned over by the Chief of Police in subpoena duces tecum, the Bureau of Investigation, Department of Justice, and I presume that they have testified——

MR. HOYNE: Those are the papers that were obtained from somebody and turned over to him?

MR. WHEELER: Well, of course, Mr. Schuettler or Mr. Healey's testimony in connection with that, would be more proper than mine.

THE CORONER: I presume that they made copies of them, this document you just read? A. The last one right here, this is the last one that is checked clear across.

MR. HOYNE: Mr. Wheeler, is that the only one now we have a copy of?

THE WITNESS: As I understand it, the gentleman who checked it up with me——

MR. HOYNE: With the rest we have of it?

VOICE: We have every one.

THE CORONER: Gentlemen of the jury let us keep a copy. The State's Attorney you will kindly explain the amended certificate read by the District Attorney. Mr. Wheeler has stated to you that the certificate he has just read is the last certificate that they know anything about at this time up there. Now, about the time, whether it is a coincidence or not, about the time that Mr. Greenebaum was dealing with the Western Electric Company to get an excursion, a request is made upon some of the inspectors to increase the capacity of the boat, that is about the day you said you were told that there was twenty-five hundred people in it, and the rumor comes, now then that Captain Pedersen applies to have the capacity increased, and says that they have added four life rafts, then comes the certificate which we read into the record, date July 7th, 1915, increasing the capacity from 2,283 to 2,570 people.

VOICE: 2,570 people.

THE CORONER: 2,253 Mr. State's Attorney, was it?

MR. HOYNE: Well, that 2,570 includes the crew. I see that the date of the application is July 2d, you have some correspondence here in your record that passed between the parties about that date, the application that Captain Pedersen made showed that they have added four life rafts, and there wasn't any change and below that in blank——

JUROR: Is this a temporary license or a permanent one?

MR. HOYNE: Permanent; this took the place of the license expiring June 2d or 7th, as you say——

VOICE: The 7th.

THE CORONER: The Eastland was operating under this amended license on Saturday last?

MR. HOYNE: The certificate, amending the certificate of inspection by changing the character of the vessel, rate, equipment, and so forth, the heading was Department of Commerce and Labor, Steamboat Inspection Service, officer of the United States Local Inspectors, Grand Haven, Michigan, July 2d, authorized in the certificates of inspection expiring on June 7th, 1915, issued to the steam vessel named Eastland, classed as passengers, built at Port Huron, in the State of Michigan, in the year 1903, and last inspected in the local district of Michigan, Grand Haven in the State of Michigan, on the 7th day of June, 1915, namely: This steamer being equipped with boatage and raftage for 776 persons, and life preservers for 2,570 persons, may carry from May 15th to October 15th, both days, inclusive, 2,570 persons, 2,500 passengers and crew of seventy. Signed, Charles D. Eckliff, Signed, Robert Reid, U. S. Local Inspectors. We certify this to be a true copy of the original furnished by this office to the vessel named herein. Robert Reid, Inspector of Hulls. Charles C. Eckliff, Inspector of Boilers. Subscribed and sworn to before us this 26th day of July, 1915, Elmer C—— what is that name?

MR. HOYNE: Elmer C. Hurless, Notary Public. My commission expires March 23d, 1918. You might note this in your record, print, at the end of the certificate, is the printed matter found in the regular blanks.

THE CORONER: Mr. Wood, will you kindly step forward, please?

THE WITNESS: Is that all, Mr. Coroner?

THE CORONER: I think so.

(Witness excused.)

THE CORONER: You haven't been sworn, have you?

MR. WOOD: No.

a witness, being duly sworn, was examined by the Coroner, and testified as follows:

Q. What is your full name, Mr. Wood? A. William J. Wood.

Q. Your residence and occupation? A. 504 Postal Telegraph Building, Chicago, Illinois; naval architect, shipbuilder, surveyor and consulting engineer.

Q. I desire to ask you a few questions at this time with the privilege of recalling you later on. How and on what basis do they figure the number of passengers for a boat such as the Eastland; how much to carry; is it figured on the basis of square feet of space or how? A. It is figured on the basis of square feet of area of the decks.

Q. The reason I ask this question, a duplicate amendment has been issued in the shape of a certificate allowing change of the Eastland to carry 2,570 passengers for certain days, as compared with 2,353 because of the addition——

MR. HOYNE: Of some four rafts?

THE CORONER: Some four rafts?

THE WITNESS: Yes.

MR. HOYNE: Life rafts?

THE CORONER: Life rafts. Is that in conformity with the ship inspection? A. No, the life raft capacity is put on additionally for the purpose of carrying an additional number of passengers that would be together, they are allowed it.

Q. Is that the custom? (No response.)

Q. Would it cut off any more floor space by the placing of life rafts? A. No, it would not.

Q. Would it reduce it? A. No, it would not reduce it.

Q. It would make no material difference? A. No, sir, because they carry the life rafts usually on the place where the passengers do not promenade.

Q. Do you believe that this request should have been granted or the original certificate amended because of the placing of life rafts thereon from 2253 to 2507? A. There is a rule given from the steamboat inspection office to the naval architects, designers and shipbuilders, that the number of square feet of deck area allowed for each passenger, it isn't published in the rules, it isn't published in any of their books, if they give it, we usually mark it on the cover of the copy of the rules—as I recollect it is about nine square feet per passenger of deck area.

MR. HOYNE: Mr. Wood, look at this and see here, that is the date of the application for increase of capacity. Now, this is dated at St. Joseph, and it is a copy of a letter procured from the government inspectors in Grand Haven, which reads as follows: St. Joseph, Chicago Steamship Company, St. Joseph, Michigan, July second, 1915. Captains E. C. Eckliff and Robert Reid, U. S. Local Inspectors, Grand Haven, Michigan. Gentlemen: As per my phone today, we placed the following rafts on the Steamship Eastland: Raft No. 34, Plate No. 3304. Raft No. 35, Plate No. 3306. Raft No. 36, Plate No. 3305. Raft No. 37, Plate No. 3307. The length of each raft over all, sixteen feet and eight inches; width of each—width of each raft over all, six feet; diameter of cans, one foot ten inches; number of cans to each raft, two. Manufactured by David Conweilers & Sons, New York. As per your letter of the 7th, of June 7th, this will raise the Eastland's passenger carrying capacity to 2570, your file "V" (dash) 636. I trust that you will mail the new certificate to Captain Pederson, Steamship Eastland, at 407 Rush street, Chicago, Special Delivery. Yours very truly, Signed, Harry Pederson, Master." Then below that appears, Grand Haven, Michigan, July 26, 1915. Well, that is a certificate of which this is a copy, that is all? A. Yes, sir.

Q. Now, what the Coroner wants to get at is whether that—no matter whether those rules that you speak of here, are found in an act of Congress or not, a set of printed rules adopted by the local inspectors, is that from your experience with steamboats, in conformity with the usual customs that prevail in granting licenses to steamboats?

THE WITNESS: No, you can't increase the carrying capacity of any steamboat by adding to the life-saving appliance, you have got to add to the deck space or deck area for carrying passengers.

THE CORONER: Even a procedure of this kind would be dangerous and irregular? A. It is irregular.

Q. Would it be dangerous to a boat, would it make a boat more unsafe? A. Well, that would depend on the capacity the boat had for carrying passengers, that would depend on the area, if there was a surplus area of the deck, these life rafts would take care of it. If she didn't have the surplus area of deck, the carrying capacity should not be increased.

Q. She evidently had not, because she has loaded 2253 passengers and the area has not been increased. A. The addition of life-saving appliances would not increase her capacity by any means, it would not increase her capacity.

A JUROR: It would not increase her stability? A. I say her capacity.

A JUROR: In other words the capacity depends upon her stability. A. Her capacity does not depend on the stability.

Q. You have to take all that into consideration in designing a boat? A. Well, the stability is the condition of the boat to stand upright under varying loads.

THE CORONER: What do you think of the stability, from the investigation you have made of the Eastland? A. I saw the Eastland's model or hull under the water line on Saturday for the first time, and I don't believe she has any stability.

Q. You don't believe she has any stability? A. No, sir.

THE CORONER: Mr. Wood, I engaged you to make for the County of Cook in this investigation, a comprehensive report of the conditions of this boat the Steamer Eastland? A. Yes, sir.

Q. Have you that report in your possession? A. Yes, sir.

THE CORONER: I would suggest that this report be read into the records in this case.

MR. WOOD (reading):

"Made on the instructions of Mr. Peter M. Hoffman, Coroner of Cook County, Illinois, upon the passenger twin screw steamer Eastland.

Made, Chicago, July 26, 1915.

FIRST REPORT.

This Is to Certify, That the undersigned Inspector, acting under the instructions of Mr. Peter M. Hoffman, and on behalf of the County of Cook, Illinois, did proceed to the dock west of Clark street bridge to examine the capsized steamer "Eastland" in order to determine the cause of disaster by capsizing in the Chicago River at that dock on the morning of Saturday, July 24, 1915, and the resulting loss of many lives of passengers then aboard the said twin screw steamer "Eastland."

The undersigned hereby reports that he found the vessel lying on the bottom of the river on her port side with her bow heading east or in the direction of the entrance to the Chicago River, and on going on dry side of hull the starboard side found upon

That the hull is immersed a little more than half her beam as part of her plate keel is immersed at amidships or at half of the vessel's length; her natural beam being 38 feet shows that there is at least 20 feet of water in river where she sank. The exact depth of water she sank in can easily be determined by soundings.

The principal dimensions of the boat are as follows:

Length, 265.0; beam, 38.2; depth, 19.5; gross tonnage 1961, net 1218; complement of screw, from 72 to 82; twin screw triple expansion engines, indicating combined about 3000 horse power.

STRUCTURAL STRENGTH. On an examination of the interior of hull or such sections of it as could be examined in her present condition, I found no signs of structural weakness or straining or shearing of rivets in any part, showing conclusively that structurally the vessel was strong enough for her trade route that she was built for.

MODEL OR LINES AND STABILITY. The lines of the hull under her normal trim and draft lines shows clearly the model of half of hull as she now lies and is that of a very unstable shape. She has no midship bearings or flat body in her half length, but tapers to forward and aft from amidships, leaving hardly two frames of the same sectional area. The vessel in my opinion has little or no M. G. The term M. G. in naval architecture is the height of the metacenter above the center of gravity and the metacenter is the point where the vertical drawn through the center of buoyancy in the inclined position intersects that drawn through the center of buoyancy when the ship is upright is termed "The Metacenter."

The height of this point, the metacenter, above the center of gravity is the determining factor as to whether the vessel has any stability and as to whether she is a safe boat at any time. If the M. G. is zero she is not a safe boat. Among data I have in the limited time on this report looked up, I find a twin screw steamer on which I made an inclining experiment and which showed 2 feet 7⅜ inches M. G. She proved to be a very stable vessel in all conditions of weather encountered in a yearly season on the Atlantic, and some Lake Michigan single screw passenger boats have over four feet height of metacenter above center of gravity.

EASTLAND'S STABILITY. The present opportunity is the first I have had of examining the hull of the Eastland below her water line and I have no hesitation in pronouncing it as that of a cranky hull and of a character that has only been possible to keep upright when loaded above by the liberal use of water ballast in her double bottom, thereby increasing her draft and lowering the center of gravity.

CAUSE OF THE DISASTER. There are two theories as to the probable cause of the disaster of July 24, 1915, now under consideration.

First. If the vessel grounded at the dock on account of load of passengers increasing her draft enough to ground her and that load moving to port side or offshore side of boat would tend to capsize almost any boat which had not a flat bottom or of scow shape construction. We ordinarily allow in estimating weights about an average of 150 pounds per passenger, which takes care of what they might carry on their person, so that 2400 passengers show 180 tons. Assuming that the tons per inch immersion on this boat is approximately eighteen tons or that it takes that weight to increase her draft one inch, then 180 divided by 18 equals 10 inches increase of draft by load of passengers.

This shows that the vessel could almost have been aground, but that can be determined by finding out the vessel's exact draft aft and forward and making soundings at the dock.

Second. If the vessel did not ground at the dock then she listed and capsized to port or off shore by an excessive weight on that side and due to her already described cranky shape of hull.

I am therefore of the opinion that her double bottom water ballast tanks were empty, or at least not filled, as it has been demonstrated in her past career that she could handle crowds of passengers with a small margin of safety when her water ballast tanks were filled, thereby increasing her draft or depth of hull immersed and resultant lowering of her center of gravity.

Remarks. The mooring post at east end of dock or nearest Clark street bridge and which had been used for the boat's bow or breast line or both, is now lying out in the river about ten feet from the pier, with its heel still in the mud, showing that it had stood a severe strain by being pulled out of its normal vertical position.

Soundings taken by me at dock at 1:30 a. m. July 27, with the regulation lead and line, measured as follows:

At stem or bow of boat near keel as she now lies, 17 feet 8 inches, and at stern of boat near keel, 17 feet 9 inches.

Respectfully submitted,

W. J. WOOD,

Naval Architect and Consulting Engineer, Chicago.

THE CORONER: Mr. Wood, did you or have you made any previous inspections of the Steamer Eastland? A. I have.

Q. Have you those with you? A. Yes, sir.

THE CORONER: Will you kindly read them, please?

(Report read).

Q. (By Mr. Hoyne): Mr. Wood, to whom did you present this report in 1903? A. To the president of the Michigan Steamship Company, the president and general manager.

Q. Who was he? A. R. R. Black, of Manistee, Michigan.

Q. Do you know whether any of the changes you recommended were made in the boat? A. The changes recommended were all made, at the expense of $35,000, under my supervision, with the exception that I mentioned she had a hollow water line aft, and that wasn't changed, as it would mean the rebuilding of the hull.

Q. We have heard from your report, made at the request of the Coroner, and you have heard here today the whole of the testimony? A. Yes, I have.

Q. What in your opinion is the cause of the turning over of this boat, or do you stand on your report, until it is raised? A. My conclusions are included in my report.

Q. Yes, but as I understand your report, you came to the conclusion this accident resulted from the boat scraping the bottom and going over or being overloaded on one side of the boat? A. My conclusions are, if the vessel grounded, a sufficient number of passengers on the upper decks would capsize it, if it was grounded.

Q. And if she wasn't grounded? A. If she wasn't grounded, and the ballast tanks were filled and there was sufficient water under her to keep her off the bottom, I believe she would have remained upright, as she has for the last twelve years.

Q. (By Juror): With no ballast? A. With no ballast, I cannot tell, as I never made an experiment to test the stability of the boat.

Q. Let me ask you again: If the vessel wasn't grounded, what caused her to tip over if she was not grounded? A. I can only surmise.

Q. Well, give us your surmise. A. My surmise is on account of the lack of stability; the passengers going up high on the decks above and going

over to the side to which she listed, changed the center of gravity and equilibrium, and turned her over.

Q. I believe you stated in your report that she has no stability? A. Yes.

Q. And if she has no stability, do you consider her a safe boat to run with a large number of passengers? A. Whether she has no stability or metrocentric line could only be determined by an experiment.

Q. (By Mr. Hoyne): After you had finished directing these repairs in 1903, did you ever have anything more to do with this boat, in superintending other repairs or changes? A. No; I lost sight of her after that.

Q. As far as you are concerned, there is a complete gap between the 1903 report and the report you made to the coroner? A. Except that I had been on her once since then.

Q. That was when she was tied up to the dock? A. In September or October, 1913, at Benton Harbor, Michigan.

Q. Was the boat loaded or unloaded at the time? A. She was tied up, and they were going to do some work on her.

Q. Did you know at that time whether the ballast tanks were empty, or didn't you inquire? A. I did not inquire.

Q. (By Juror): In that long exhaustive report you made, what was the reason you didn't mention the boat was topheavy if it was topheavy? A. The boat, if it had the proper stability or was properly designed, was not topheavy. There are scores of boats like her have the same heights and weights, and they have the capacity to carry, and in the capacity I was employed in, I never saw her lines. I never saw her model until last Sunday. During the time I made this inspection, I asked the shipbuilders for the plans, and he refused to give them to me. The only plans furnished me were those furnished to an expert ventilator. I may have some small sketches in my office.

Q. The owners have no plans at all? A. I might have some small sketches that the expert ventilator man gave me.

Q. (By Mr. Hoyne): Mr. Wood, can you advise me what the authorized capacity of the boat was in 1903? A. No, I only investigated the faults I observed going through her.

Q. What harbor was the boat traveling in 1903? A. From Chicago to South Haven.

Q. Do you know of any changes you recently observed, since 1903, which in your opinion would justify a large increase in the number of persons that might be carried with safety? A. No, sir.

Q. Do you know of any changes that have been made which might require the reduction of the number of persons that might be carried with safety? A. Not positively.

Q. When you say "Not positively," have you heard of any other changes that might require that? A. Well, in the few moments I was aboard of her in Benton Harbor, in either September or October, I saw they were starting men to do some work around her, and the reason of my being there at all was that in making my trip to Benton Harbor, in other work I was engaged in, I was introduced to the present captain of the Eastland and met him for the first time, this Captain Pederson, and he suggested he would like to have me meet Mr. Hull, with the object of being retained to advise and consult, in regard to some changes they contemplated making. I answered Mr. Pederson to the effect that I had written to Mr. Hull, stating that I understood from newspaper reports that he intended repairing or overhauling the Eastland, and as I had some experience of the type of boat she was in 1903, I should be very glad to give him the benefit of my experience and be retained as an expert, on whatever work he contemplated doing. I got a reply from Mr. Hull a short time afterward to the effect that he had no need for my services. I told Captain Pederson this. He said, in

any case to come over and meet him "as I would like somebody to be employed on these contemplated changes that knows something about a steamboat." I told the captain when I got through with the other vessel owners, I would meet him. I did so; was introduced to Mr. Hull, and mentioned myself as the man who had written him. He said he received my letters. I said, "Is there anything I can do for you?" He said, "No, I guess we can take care of this job ourselves, the most of the work is going to be done in the boiler room." I heard the clatter of hammers down there, and I said, "Do you contemplate making any changes up above?" He said, "We are tearing off the old rotten decks that are now covering the steel decks, and we will lay new wood after we knock off the old." I asked permission to walk up above, and he said, "Go ahead." I went up with Captain Pederson on the hurricane deck and saw the joiners doing some work there under the guidance of a former Chicago man, a Captain Scott, who used to be an assistant harbor superintendent here. They had probably three or four carpenters getting the lumber together starting work at that time. I came back into the social hall again and shook hands with Mr. Hull and said I would see the parties I was going to finish the contract with, and said, "This boat has been to some extent a white elephant," and I said, "I suppose you will take care of whatever superstructure you put up there; you won't put on any additional weight?" He gave me to understand "We got men up here who understand their business." That's the last time I seen the Eastland until I saw her sunk in the Chicago River on the 25th of July, and that's the last time I seen Mr. Hull.

Q. During the time you described, when you had these talks with Mr. Hull, did you have any interview with Captain Pedersen regarding the safety of the boat? A. None whatever.

Q. Was the question asked if it was a cranky boat? A. No, sir.

CORONER: Do the jurors desire to ask any questions?

JUROR: Not now. We might like to ask some later on.

Q. (By Mr. Barbour): How far from the dock is the keel of the boat at the stern, where you made the soundings? A. Probably about—Do you inquire the point where I made the soundings? I didn't make the soundings at the keel of the boat. I made soundings between the keel of the boat and the wharf.

Q. How far from the wharf? A. I should judge from 10 to 11 feet.

Q. Is it possible that there be a deposit there? A. That I wouldn't venture to express an opinion on, not knowing the condition of the Chicago River.

CORONER: Any further questions, Mr. Barbour?

MR. BARBOUR: That's all.

CORONER: Gentlemen of the Jury; what is your desire?

JUROR: I just want to make an inquiry whether Mr. Wood examined the hull and can report whether the ballast chamber is properly opened, or closed?

CORONER: Do you mean the evidence that showed the water was pouring out toward the building side?

JUROR: Toward the building side. Some of the witnesses stated it was pouring out, and another witness stated that the engineer could not fill the ballast tanks.

CORONER: Were you here when that evidence was given?

JUROR: I heard some of it.

Q. Did you see any holes? A. Well, a few words in explanation in regard to that may be all right at the present time. The filling of this vessel is done by suction or a sea-cock of about 11 to 12 inches in diameter, and that sea-cock is located in the engine room on the port side and is now in the mud,

and possibly may have been in the mud and choked while they were trying to fill the ballast tanks, because it is very low down on the bilge of the vessel.

Q. What about the discharge? A. I can't say where the discharge is. The water is pumped out when it is discharged and probably is discharged high, probably above the water line.

Q. Could you tell, by looking at the boat, where the water came from? A. Which water?

Q. The evidence shows that just prior to the time the boat listed, a large amount of water was pouring out of the starboard side? A. Well, there is no water could pour out on the starboard taken from the ballast tanks. The tank itself is the bottom of the vessel and the top of the tank is just a deck laid across, and if the hull is pierced the tanks are free and open in communication with the sea, and no water could flow from these tanks except through air pipes, extending 16 feet above the tank.

Q. How do you account for the statement made that the engineer had tried for 17 minutes to trim the boat and he could not seem to get any effect on it. Would that indicate to you the water was flowing out? A. No, sir. That would indicate to me, if he had a 12 or 11-inch sea-cock, wide open, to either of the tanks—1, 2, 3, 4, 5—these tanks all fed through a manifold, and from the manifold is distributed to various tanks. The manifold is a large section of cast iron with branches in it for taking the couplings or connections of the pipes leading to the various tanks.

Q. You draw no conclusion from the statement made as to what the cause of taking 17 minutes on the ballast was? A. I do.

Q. What is your version? A. I have just already stated, I believe, if he failed to get water into the tanks in 17 minutes, it was a sure indication the sea-cock was in the mud or choked with mud, so the water could not freely pass into the sea-cock.

Q. In other words, the boat, in your judgment, may have rested on the bottom while it was upright? A. Yes.

Q. No water coming up? A. No water coming up.

Q. (By Juror): On the right side of the boat, starboard, there are three openings covered by gratings, one is a large square opening and two smaller round openings. These opening lead where? A. I cannot say without looking at the plans. One of them is known as an ash-ejector for ejecting ashes from the furnaces. When the coal is burned the firemen dump the ashes from the furnace into a hopper; after this hopper is filled they close it with a cover and clamp the cover tight, and then they turn on the steam or water jet and that shoots the ashes out of the side of the vessel through the openings, you saw. There is a steel shield and the ashes strike the shield, and are thereby deflected and turned overboard through these openings.

Q. (By Juror): The ones he saw are inlets? A. Well, the ash ejectors are there.

JUROR: This is where the water went in the hull? A. Below.

JUROR: Below the water line, yes? A. These may have been strainers in the hull. These small holes have pipe connections with a flange, and they draw water from the lake for their pumps and for sanitary purposes, clean, fresh water from the lake.

Q. This large one? A. Large and small, depending on the purpose for which they are installed.

JUROR: Could the large one be for the purpose of taking in water for filling the water tanks? A. No, the large one for taking in the water, nobody has seen except the diver.

Q. This water cock would be located in mid-ship, or located at the stern of the boat, or near the stern, where the greatest draft is not shown? A. It is located in the engine room, right in the engine room where the engineer, the oilers and assistants can get handily to it.

JUROR: It would be near the mid-ship section? A. It would be near the mid-ship section.

Q. That is where they had the greatest depth of water? A. Yes, sir. The fullest part of the vessel, low down under body.

JUROR: The point was you said that it might be in the water—or mud? A. Beg pardon.

Q. You said the point of intake controlled by the cock in the boiler room would be about the deepest part of the boat and in the mud? A. I did so say and I say so still.

THE CORONER: Might I suggest at the conclusion of the evidence here tonight to let us take a walk down to the boat and we can talk a lot more intelligently after we get on the boat and see things we would be able to more readily explain them. We will take a walk down to the boat.

VOICE: What time shall we adjourn, Mr. Coroner?

THE CORONER: That is up to the jurors.

JUROR: Eight o'clock.

THE CORONER: That will be satisfactory. This inquest will be continued to eight o'clock this evening. The witnesses that are summoned will return at eight o'clock.

(Whereupon the inquest adjourned temporarily.)

WALTER C. STEELE—(Recalled).

THE CORONER: I believe you have been sworn, have you not, Mr. Steele? A. Yes, sir.

Q. I believe you started to testify—How far you got, Mr. Reporter?

(Coroner's reporter stated witness was sworn, and left the stand to confer with his attorney).

Q. You have conferred with your attorney, Mr. Steele, do you desire to testify here at this inquest? A. Yes, sir.

Q. Understand the conditions, do you? A. Yes, sir.

Q. What is your full name? A. Walter C. Steele.

Q. Where do you reside? A. St. Joe, Michigan.

Q. What is your occupation? A. Farmer.

Q. Do you till the soil? A. I do.

Q. What other positions do you hold outside of being a farmer? A. Secretary and treasurer of the St. Joseph-Chicago Steamship Company.

Q. What is that business? A. The steamboat business.

Q. Between where, what point do they ply? A. St. Joe, Michigan, and Chicago.

Q. How many boats do they own? A. Two.

Q. The names? A. The Eastland and Eugene C. Hart.

Q. Is the company a corporation? A. Yes, sir.

Q. Who are its officers? A. George T. Arnold, president——

Q. Where does he reside? A. Mackinac—Island.

Q. Michigan? A. Yes, sir.

Q. Who else? A. William H. Hull, vice-president and general manager.

Q. Where does he live? A. St. Joe, Michigan.

THE CORONER: Are there any other officials? A. Myself, secretary and treasurer.

Q. Are you familiar with the steamboat business, Mr. Steele? A. Not at all.

Q. Do you know anything about boat construction? A. Nothing whatever.

Q. Or running of boats? A. No, sir.

Q. As secretary what are your duties? A. Simply because I was—

Q. What are your duties as secretary? A. Signing my name to blank checks.

Q. What? A. Signing my name to blank checks.

Q. Is that all the work you have to do? A. That is everything I have to do.

Q. I presume you are a stockholder in the company, are you not? A. Yes, sir.

Q. Have you anything to do besides signing a block of checks, with regard to making arrangements for business for the company? A. No, sir, I have not.

Q. Give it any time outside of that? A. No, sir.

Q. Who is the live wire or the principal man that has to do with the making the contracts and getting the business? A. Mr. Hull or Mr. Davis.

Q. Mr. Davis is the assistant secretary, is he not? A. No, I don't just—

Q. This Mr. Davis referred to by you as "secretary," does he do your work? A. Why, he classes himself my assistant.

Q. And what you call him if he calls himself that? A. I do not call him anything, I call him Mr. Davis.

Q. Is he your assistant? A. Well, let me ask a question if you please, Mr. Hoffman? Is my assistant supposed to be appointed by the directors of the company? If he is supposed to be he is not my assistant.

Q. Tell me, did the directors appoint him as your assistant? A. No, sir, they did not.

Q. Why does he make that claim. A. Simply because he tends a good deal to my work, because my work is done by Davis.

Q. Then if he is employed, what is the position that he would hold? A. Merely a clerk.

Q. Is he a stockholder of the company? A. No, sir, he is not.

Q. Who engaged him as a clerk? A. Mr. Hull, he has the right to engage all employes.

Q. With your consent and advice? A. Nothing at all to do with me.

Q. Well, were you a member of this corporation at the time the "Eastland" was purchased? A. Yes, sir.

Q. Do you know anything about the changes that have been made in the construction of the boat since it was purchased by you? A. No, sir, I do not.

Q. Would it not be your duty as treasurer and secretary if such improvements were made you would issue checks for payment therefor? A. If I was an acting officer.

Q. What? A. If I was an acting officer.

Q. Isn't it a fact that a number of changes were made on your boat within the last year, such as putting in concrete floors among other things? A. I believe there was a concrete floor put in the dining room.

Q. Changes made in running stairways to the dock or deck in place of the ladders, is it on the side? A. No, sir, there was not to my knowledge.

Q. There was not? A. No, sir.

Q. What changes were made on the boat since you had it remodeled outside of— A. I can't recall any changes that I know of.

Q. Could those changes have been made without your knowledge? A. Yes, indeed.

Q. And the check issued therefor and the amount unknown to you? A. Yes, sir.

Q. You think it a good business proposition to sign checks en bloc for someone else to fill in? A. No, sir, it is not.

Q. Is that what you are doing? A. That is what I am doing.

Q. You do not consider that good business tactics? A. No, sir.

Q. Why did you do it? A. Simply because my other interest is greater than my interest in the steamboat business.

THE CORONER: You say that your other interests are larger than your interests in this corporation, that correct? A. Yes, sir.

Q. Might I ask what your interests are in this corporation? A. A farm.

Q. In the corporation? A. Oh, I beg your pardon.

Q. In the corporation? A. In the corporation?

Q. Yes. A. Thirty thousand dollars.

Q. When this boat was purchased by whom was it, the boat, purchased? A. I had a good deal to do with the purchase of it.

Q. Did you know at that time or since that the "Eastland" was a boat that would list easily? A. I have heard it but never seen it list, I did not believe it.

Q. Isn't it a fact that it has been common talk both at this port and other ports in Michigan where she lands that it was known as a bad, cranky boat, that it came very near tipping a number of times because of her construction? A. Not to my knowledge, no.

Q. Did you believe that boat a safe boat? A. I did.

Q. Did you believe that boat to be a safe boat to carry 2500 people plus the crew? A. Yes, sir.

Q. What makes you think so? A. Why, I do not think the Government would give us a license to carry 2500 passengers unless they thought it was safe.

Q. Will you kindly tell me how the order was amended the permit which—the original allowed you to carry 2253 passengers, it was raised to carry 2570? A. I know nothing about it at all.

Q. How? A. I know nothing about it at all.

Q. That was according to the evidence we have thus far received? A. I heard the evidence this afternoon, that was the first I heard about it at all.

Q. As secretary of your corporation since this terrible loss of life, the turning over of the "Eastland," have you made any investigation tending to place the blame for this tremendous loss of life, sadness and sorrow? A. No, sir, I have not.

Q. Has your company tried to make an investigation and place the blame? A. As to that I don't know, I haven't heard from anyone of the company.

Q. Mr. Hoyne, question the witness; I will take him when you get through.

MR. HOYNE: Mr. Steele, under the laws of what state is your company incorporated? A. Michigan.

Q. And you are a member of the board of directors, are you? A. Yes, sir.

Q. How often—What is the date of your annual meeting? A. I believe it is the third, the third Tuesday or Thursday in September.

Q. How long have you been a member of the board of directors? A. Ever since it started.

Q. What was the year, I have forgotten, have you stated it? A. 1913.

Q. I take it you attended the meetings in 1913 and—14? A. Yes, sir.

Q. What was the date of the purchase of this boat? A. June 1st, 1914.

Q. And were you present at the meeting of the board of directors where it was decided to purchase the boat? A. Yes, sir.

Q. How many other directors were present? A. All of the directors.

Q. Who are the other directors? A. Mr. George T. Arnold, Mr. William Hull.

Q. They are the only three directors. A. Yes, sir.

Q. Where was that meeting held? A. St. Joe, Michigan.

Q. Was there any discussion then as to the advisability or wisdom of making the purchase of that boat? A. Will you please repeat that, I did not quite get it.

Q. Was there any discussion as to whether it was wise to get in and buy the Eastland? A. Yes, sir, there was—Mr. Arnold——

Q. Who suggested the purchase of it? A. Mr. Arnold left it to Mr. Hull and myself, if we thought it advisable to go ahead.

Q. Who was the man that brought the matter up? A. Mr. Arnold.

Q. Yes, sir? A. No, sir.

Q. Who was the man that first suggested the proposition of buying over the Eastland? A. Mr. Hull.

Q. How did he bring it up, what way? What did he say? A. It is so long ago I can't remember very much of it. I don't know as I know anything about it.

Q. Well, did he say he had a proposition or offered something of that sort; did he have a written letter? A. I could not say.

Q. What was it? A. All the way from 1913—when we had been in business a few months with our little boat we had been looking for a larger passenger boat, a good one, and we had been talking about the Eastland, corresponding with the Eastland Navigation Company of Cleveland in regard to it.

Q. Who conducted that correspondence? A. Mr. Hull.

Q. Now, as you were secretary you were supposed to be in charge of the correspondence, weren't you? A. No, sir, I was not.

Q. Did you adopt by-laws after you were incorporated? A. Yes, sir.

Q. And those by-laws were in writing? A. Yes, sir.

Q. You haven't a copy of them with you, I suppose? A. No, sir, I have not.

Q. Well, under the by-laws which officer of the corporation was charged with the duty of conducting the correspondence? A. Mr. Hull.

Q. What is Mr. Hull's title again? A. Vice-president and general manager.

Q. What were the other duties that were cast upon Mr. Hull by the by-laws? A. I do not just remember, but he was member of the line.

Q. Well, what duties according to your recollection were cast upon the secretary by the by-laws? A. No duties at all were cast upon me as secretary except the signing of checks.

Q. You mean to say that the by-laws were entirely silent as to the duties of the secretary except as you mentioned, the signing of checks? A. I can't tell you that.

Q. Have you been connected with any other corporation except this one? A. Never—understand, the checks were to be countersigned by Mr. Hull.

Q. You say that you have not been connected with any other corporation? A. No, sir.

Q. Not as a director or a secretary? A. No, sir.

Q. Or as a stockholder? A. No, sir.

Q. Have you a copy of those by-laws at home in your possession? A. There might be a copy in my safe, I don't know.

Q. Well, at any time after your corporation was formed did you ever receive a copy of the by-laws? A. I don't remember.

Q. Do you recollect ever having seen them? A. Oh, yes.

Q. Do you recollect ever having attended a meeting when you adopted the by-laws? A. Yes, sir.

Q. Did you vote in favor of their adoption? A. Yes, sir.

Q. Have they been amended since, so far as you know? A. We raised the capital stock of the company.

Q. When was that? A. About 1915.

Q. Where was that—was that for the purpose of buying the Eastland, completing the purchase price? A. Yes, sir.

Q. And when, about, now, did you actually buy the Eastland. What was the date? A. June, the papers were signed June 1st, 1915.

Q. What do you mean—what payment did you make on account or as a deposit, if any? A. A cash payment of $150,000.

Q. How was that stock sold, Mr. Wheeler. I think you increased the capital stock, you said? A. Yes, sir.

Q. To complete the purchase? A. Yes, sir.

Q. Where did you sell it, in your locality? A. In the locality of St. Joe and Benton Harbor.

Q. How many stockholders are there now in the company, roughly speaking, not naming them? A. I can't tell you just how many, there are in the neighborhood of forty or fifty, I should imagine.

Q. Do you and Mr. Hull and Mr. Arnold, together, represent the controlling interest in the company, the majority of stock? A. Yes, sir.

Q. Who is the largest stockholder in the corporation? A. I am.

Q. Thirty thousand dollars? A. Yes, sir.

Q. Now then, we will come back to that meeting at which it was suggested by Mr. Arnold that you purchase the Eastland, as I understood you prior to that time there had been suggestions that you buy some large steamship, and that the Eastland had been mentioned; is that right? A. Yes, sir, but it was not mentioned by Mr. Arnold; somebody just suggested——

Q. Who was the first, so far as you know, or recollect it, to mention the Eastland as an available boat to purchase? A. Mr. Hull.

Q. And what did he say at that time? A. I do not remember.

Q. Well, at which meeting was that? A. That was one of the earlier meetings.

Q. That was at one of the earlier meetings, you said? A. No, that was —— wasn't at any meetings of the company, it was simply when I happened to drop into the office.

Q. Well, let's get to the meeting. Now then, when you made the purchase of the boat you said at that time the proposition was brought up by Mr. Arnold, did you not? A. No, I did not.

Q. Mr. Hull, I am wrong again? A. Yes, sir.

Q. Now, you say what was stated by Mr. Hull then? A. I don't remember what he said.

Q. Did he submit anything—any written proposition? A. Mr. Hull?

Q. Yes, or any one else? A. He might have read a letter or so, but I do not remember.

Q. Did you keep minutes of the meetings of the directors? A. Yes, sir, but I did not——

Q. Who keeps the minutes? A. Mr. Davis.

Q. Mr. who? A. Mr. Davis.

Q. Now, you said a little while ago, that somebody designated Mr. Davis as assistant secretary and you do not know how he was designated, what do you mean by that statement. There are only three directors, are there not? A. Yes, sir.

Q. And the majority is two, who designated him as the secretary or assistant secretary? A. I suppose Mr. Hull told him to sign his name as assistant secretary.

Q. Did you have anything to do with the ordering of your stationery? A. No, sir.

Q. Who does that, Mr. Hull also? A. Either Mr. Hull or Mr. Davis.

Q. You are perfectly well aware of the fact that on all of your correspondence the name of Mr. Davis appears, on all of your stationery as assistant secretary, or some such title, are you not? A. Just lately it has appeared there.

Q. What do you mean by just lately, what time? A. The last order of letter heads and stationery.

Q. When was that put in? A. I don't know.

Q. Was Mr. Davis prior to that time employed by your company in any capacity? A. Yes, sir.

Q. In what capacity? A. The same as he holds now.

Q. And what is that? A. Clerk.

Q. What are his duties as clerk? A. Assistant to the manager, and assistant to myself.

Q. I have been trying to find out, Mr. Steele, what your duties are, and I haven't been able to learn what they are; I wish you would tell me and describe them for me? A. I say my duties are nothing, I have no duties down there whatever, except to sign checks.

Q. You share in the profits and losses of the corporation, do you not? A. What?

Q. You share in the profits and losses of the corporation? A. Why, as a stockholder I do, yes, sir.

Q. You draw your dividends?

MR. HOYNE: He just remarked, Mr. Coroner, he has told us that his duty was to sign checks in blocks. Now, I want to know what Mr. Davis does to assist you in signing checks in blocks.

THE CORONER: In blocks or in blank?

THE WITNESS: What was that question, the last question, again, please.

THE CORONER: Let us get that straightened out. What do you mean by signing checks in blocks? A. We have vouchers.

Q. What do you mean by signing checks in blocks? A. They are vouchers in blank form say seventy-five to one hundred checks in block.

Q. Are they filled out when you sign them? A. No, sir, I don't know.

Q. Who fills them out? A. Mr. Hull fills them out and signs and countersigns them.

MR. HOYNE: Q. Now then, you say he signs and countersigns them? A. I sign them.

Q. Oh, you sign them? A. I sign the checks.

Q. And the body of the check is prepared for you by Mr. Hull? A. Mr. Hull.

Q. And all you do then with reference to those checks is to place your signature upon them, is that right? A. That is all.

MR. SULLIVAN: In blank?

MR. HOYNE: And what does Mr. Davis have to do with reference to those checks? A. He might mail them.

Q. Now, are there any other duties that you are charged with that Mr. Davis gives you assistance in? A. No, sir.

Q. So that so far as Mr. Davis assisted you, his sole duty was to mail checks when you sign them in blank, is that right? A. Why, no.

Q. This is a serious matter, Mr. Steele, I am not joking— A. I know, Mr. Hoyne.

Q. I am trying to find out. A. I am answering your questions just as plain as I know how.

Q. I am trying to find out how your corporation is run.

THE CORONER: What are your other duties?

THE WITNESS: Between Mr. Hull and Mr. Davis they take care of all the duties of the secretary and treasurer, except the one duty which I perform, that is to sign every check that goes out of our office—

JUROR: Now, are you able to say, is that before or after the bills and checks, they are signed in blank? A. Yes, sir.

Q. You don't know what the payments are for? A. No, sir.

MR. HOYNE: As I understand you then, what Mr. Body wants to understand, I think, is so far as passing or carrying any bills or anything of that kind, or that sort, Mr. Hull is the supreme man on that, is that it? A. Mr. Davis O. K.'s most of the bills sent in to be paid.

Q. Now, when you sign a check, Mr. Steele, in blank, you have stated that you are the largest individual stockholder, do you affix your signature to the check, relying on the statements of Mr. Davis that the check is all right, or do you rely on Mr. Hull? A. I rely on Mr. Hull because he countersigns the checks, makes out the checks.

Q. In other words, if you have any questions, if any question arises about how the business is being run, whether the money is being properly disbursed, or anything of that character, you look and rely on Mr. Hull, is that right? A. Yes, sir.

Q. Now, are you able to state from your own observation and knowledge offhand, your own recollection of how many different or individual stockholders there are in this corporation? A. I think there are between forty and fifty stockholders.

Q. How many stockholders were there prior to the increase of the capital stock? A. Five.

Q. Now, who is it that signs the certificates of stock, that is the evidence of the indebtedness, do you sign those, or who does? A. We have not issued any for so long that I have forgotten.

Q. Did you sign them, that is in signing them, when you were originally incorporated, you had some lawyer take charge of that work for you? A. Yes, sir.

Q. Some lawyer in your city, St. Joe? A. Yes, sir.

Q. At the time the corporation was formed, and the organization perfected, did you receive a certificate of stock? A. Yes, sir.

Q. And do you still hold that original certificate, or did you surrender that when the stock was increased? A. I surrendered it.

Q. Do you now hold any certificate of stock, representing your stock interest in the company? A. Yes, sir.

Q. And what do you say with reference to the other stockholders, did they have similar certificates? A. Yes, sir.

Q. Now, then, I ask you again, did you sign those certificates in any official or personal capacity whatever? A. Yes, sir, I did.

Q. How did you sign them, as secretary? A. As secretary and treasurer.

MR. SULLIVAN. Have you ever read the by-laws of your corporation? A. Yes, sir, I did.

Q. In what form are they? A. They are in the form of a pamphlet form, such as lawyers put up.

Q. Drafted by a lawyer and typewritten? A. On foolscap paper, like this.

Q. And pasted in the book, is that right? A. One set pasted in the book, and another set we have at the office in foolscap, you have got them pinned at the ends.

Q. Do the by-laws prescribe the duties of the general manager and the vice-president? A. Yes, sir.

Q. What do the by-laws say on that? A. I believe they say he has full control of the managing line, and the employing and hiring of all the employes.

Q. When your corporation was formed there were five stockholders? A. Yes, sir.

Q. The five of you met at one time, did you? A. Yes, sir.

Q. And agreed on what the by-laws should provide as to the various offices, is that right? A. Yes, sir.

Q. And you agreed on what the by-laws should provide as to your two offices, of secretary and treasurer? A. Yes, sir, I think, I am pretty sure that they just said that I should sign the checks, and stopped.

THE CORONER: You were the angel of the corporation originally, were you? A. Yes, sir.

Q. Did the other fellows have any money? A. Yes, sir.

Q. How much did they put in? A. Mr. Arnold put in ten thousand dollars, and, well, I cannot exactly divide up Mrs. Graham's and Mrs. Hull's and Mr. Hull's.

Q. What was the total capital stock originally? A. Thirty thousand dollars.

Q. That you put, and when was it increased, and to what? A. It was increased in May, 1914, from thirty thousand dollars to one hundred thousand dollars.

Q. Was it then that you acquired your thirty thousand dollars' worth? A. Yes, sir.

Q. Originally when it was formed, and after it was fixed at thirty thousand dollars, you say that you owned that ten thousand dollars, who owned the other twenty? A. It was divided between Mr. Arnold and Mrs. E. A. Graham and Mr. and Mrs. Hull.

Q. Did each one pay par? A. Yes, sir, but Mr. Arnold owned the Eugene C. Hart.

Q. Yes? A. The company bought it from him.

Q. For how much? A. Twenty-five thousand dollars.

Q. And paid in cash or stock? A. In stock.

Q. So that he got twenty-five thousand dollars? A. I believe we did give him so much cash, and the balance in stock.

Q. Well, how much cash? A. Let me see if I can remember.

Q. You do if you can try it? A. I think it was fifteen thousand cash, and ten thousand in stock.

MR. SULLIVAN: Let's see, you had a thirty thousand dollar corporation, and you bought a boat for just fifteen thousand dollars? A. No, sir.

Q. And you had twenty-five—how much was it? A. Twenty-five thousand dollars.

Q. Twenty-five thousand dollars, and you paid him ten thousand dollars in cash out of the treasury? A. Yes, sir.

Q. And gave him fifteen thousand dollars worth of stock? A. No.

Q. Then you were mistaken, weren't you? A. No; I told you right in the first place, and you are trying to twist me. I said fifteen thousand dollars.

Q. I am not trying to twist you; I am trying to see, to ask you something; if we are right—— A. All right.

Q. I don't want to twist anybody. A. Fifteen thousand dollars in cash and ten thousand dollars in stock.

MR. HOYNE: All right.

Q. Now, then, you had out of that thirty thousand dollars cash that you got in the treasury for this thirty-thousand dollars' worth of shares of stock—or shares of stock; you handed him over ten thousand dollars? A. Yes, sir—no.

Q. Am I mistaken? Maybe I am. Didn't you hand him over fifteen thousand dollars in cash? A. Yes, sir.

Q. And ten thousand dollars worth of stock? A. Yes, sir.

Q. Whose stock did he get? There was—— A. There was thirty thousand dollars already.

Q. That thirty thousand dollars already issued then when he got ten thousand dollars?

MR. HOYNE: No; take it this way, Mr. Steele. Your total capital stock is thirty thousand dollars, is it not? A. Yes, sir.

Q. How much of that was paid for in cash? A. Well, I will say that I have been wrong all through this stock and cash proposition with Mr. Arnold.

MR. SULLIVAN: Begin all over again.

MR. STEELE: Yes, please.

THE CORONER: All right; let's start right this time.

MR. HOYNE: How much stock was there at the start? A. Thirty thousand dollars.

Q. That was authorized? A. Yes, sir.

Q. And subscribed for? A. Yes, sir.

Q. Was the cash paid in, or were the subscriptions paid for, some in cash and some in property? A. Some in cash and some in stock.

Q. No, no; you don't mean stock; you mean the boat, don't you? A. Yes, sir; that is right, oh, yes.

Q. Now, how much was paid in cash? A. Well——

MR. HOYNE: Now, is that the right line, Jim?

MR. BARBER: Yes, sir.

MR. HOYNE: I am trying to get it straightened out.

MR. BARBER: I know; there is now at least fifteen thousand dollars was paid in property for the boat, and ten thousand dollars in cash.

MR. HOYNE: We are not trying to run around the bush here; we are not trying to get anything wrong.

MR. BARBER: All right; ten thousand dollars in stock was paid for buying the boat, he says; in other words, the man that owned the boat got ten thousand dollars in stock and fifteen thousand dollars in cash.

MR. HOYNE: All right now. Bearing in mind what your counsel says, how much was paid for that in cash? A. Fifteen thousand dollars.

Q. All right; and in addition to that the other fifteen thousand dollars was paid for in property, that is, the property being part of the boat, the boat in question? A. Yes, sir.

Q. So that in addition to the fifteen thousand dollars of stock you turned over for the boat, you also paid ten thousand dollars out of the fifteen thousand dollars cash, did you? A. I am trying not to get mixed up again; I am kind of surprised; I hardly know anything, the way I have been feeling since last Saturday noon.

THE CORONER: I believe I can straighten you out. Let us try to—

THE WITNESS: I wish you to do it then, Mr. Hoffman.

THE CORONER: It may be quite a job. Your capital stock was what you started in with? A. Thirty thousand dollars.

Q. Thirty thousand dollars? A. Yes, sir.

Q. And did you figure the boat—you put in the boat, and it was the only asset you had? A. The boat was the only asset we had.

Q. What was the boat worth? A. Mr. Arnold wanted twenty thousand dollars.

Q. Did you agree to give him twenty-five thousand dollars? A. Yes, sir.

Q. You agreed to give him twenty-five thousand dollars for the boat? A. Yes, sir.

Q. Where did you get the twenty-five thousand dollars? A. Why, we didn't get the twenty-five thousand dollars.

Q. Then how could you give it to him? A. We paid him twenty-five thousand dollars in stock and cash for the boat.

Q. Before you got through dealing with him, how much money did you have in the treasury?

MR. BARBER: You have started another way; let me, Mr. Coroner.

THE CORONER: All right.

MR. BARBER: Now, you say that Mr. Arnold got fifteen thousand dollars in cash and ten thousand dollars in stock for the boat; is that right? A. Yes, sir.

Q. Now, when he had ten thousand dollars in stock, how did you raise the fifteen thousand dollars in cash that you gave him? A. I paid in ten thousand dollars for my stock in currency.

Q. Now that makes the thousand dollars in stock on bought things in on the boat, ten thousand dollars in currency that you put in and five thousand dollars more currency went to Mr. Arnold. Where did that five thousand come from? A. Mrs. Graham.

Q. And there was five thousand dollars more to make up thirty thousand dollars; was that paid in to the company in cash? A. Yes, sir.

Q. Who paid that in? A. Mr. and Mrs. Hull.

Q. So that when you got through you had a boat that cost twenty-five thousand dollars, and had five thousand dollars in cash in the treasury—is that right—to work on? A. Yes, sir.

Q. And you had put in ten thousand dollars in cash? A. Yes, sir.

Q. And Mr. Arnold had put in ten thousand dollars in his boat—is that right? A. Yes, sir.

Q. And Mr. and Mrs. Hull and Mrs. Graham, you say, had put in the other ten thousand dollars in cash? A. Yes, sir.

MR. HOYNE: Thanks for your assistance.

THE CORONER: That was quite a job, Barber.

MR. BARBER: Well, I succeeded Mr. Hoyne in private practice, so I know how to do it.

THE CORONER: Now, then, when did you increase your capital stock? A. At our meeting in May, 1914.

Q. Increased it to what? A. One hundred thousand dollars.

Q. One hundred thousand dollars, how much stock was the one hundred thousand dollars, was this, Mr. Steele? A. How much is mine?

Q. Yes, how much did you own yourself? A. 30,000 shares, $30,000.

Q. Thirty thousand dollars, and who owns the balance? A. I cannot tell you all the stockholders.

Q. How much actual money was paid into the treasury at the time of your reorganization and you sold your stock?

MR. HOYNE: How much actual cash was paid into your treasury before you reorganized—was the stock all sold? A. We sold $90,000 worth of stock.

Q. What became of the balance of it? A. In the treasury.

Q. Ninety thousand dollars in the treasury? A. I believe we sold a little bit since.

Q. How many men were employed on the Eastland? A. That I can't tell you.

Q. How many firemen? A. I cannot say.

Q. How many engineers? A. I don't know.

Q. You don't know much about this do you? A. I know nothing about the boat business.

Q. Did you receive, or rather did you ever see or hear of a report made by any one as to the condition of the Eastland before you bought it, as to whether it was a seaworthy boat, or a safe boat or a profitable boat or anything about it? A. She was not very profitable.

Q. And yet you voted for the purchase of that boat? A. The idea that she was not unprofitable would not make her an unseaworthy boat.

Q. No, it was unprofitable, yet you voted to buy the boat? A. Yes, sir.

Q. Why? A. Because we needed a boat and we thought that would fill the bill in St. Joe and Chicago.

Q. Before you voted in favor of buying the Eastland, did you make any investigation to learn why it had been unprofitable in the past or why you thought it could be made profitable in the future? A. The run it was on from Cleveland to Detroit, it was too large a boat for that run.

Q. Did you know that before it had been on that run it had once run from Chicago before? A. Yes, sir.

Q. Who told you that? A. I remember running from here to South Haven when I lived here.

Q. You formerly lived in Chicago? A. Yes, sir.

Q. Have you ever ridden on the boat yourself? A. Never.

Q. Was that matter discussed before your board of directors before you bought the boat, the matter of her safety? A. No, the matter of profit.

Q. Did you talk about the safety of it? A. No.

Q. I am talking about whether it was discussed? A. It had been discussed.

Q. Was there any difference in opinion among the directors? A. No.

Q. You voted to buy that boat? A. Yes, sir.

Q. Now then, at the time this matter came up or at the meeting where you finally decided to buy it, was the matter of the boat's safety discussed? A. No, sir; it was not.

Q. Was there any discussion there as to whether it would be wise or necessary to make repairs or changes in the boat? A. I think Mr. Hull said she would be put in perfect condition, perfect order.

Q. Did he say who would do that? A. Yes, sir.

Q. Did he say what it would cost? A. No, I don't think he did.

Q. That was a natural subject for discussion was it not before you bought the boat what the repairs would cost? A. None as to what these would cost.

Q. Or what it would cost to change it? A. We understood there were no repairs to be made other than the regular spring fitout.

Q. And did they mention what that would be, this item of cost? A. I gave them a limit myself.

Q. What did you give as the limit? A. $4,000

Q. Was there any objection to that as a limit by anybody? A. No, sir, there was not.

Q. Now then, when you took that matter up, did anybody take up the subject as to whether it would be necessary to make changes, substantial changes that would cost more money? A. No, sir.

Q. Now, we heard some testimony this afternoon relative to some changes that were made of some kind or other, what do you know about them, was that what you call the annual spring fitout, or was that something else? A. There was nothing to do, no radical change made in the boat.

Q. I didn't say radical change, any change, repairs or maintenance? A. I don't know what term you would apply to it.

Q. Something that cost money? A. I know of no repairs that would cost a great amount of money other than the fitout and that would be necessary on the boat, since we had it.

Q. Did you ever meet Mr. Wood? A. No, sir.

Q. That gentleman who has testified here that he is an architect? A. No, sir, I have not.

Q. Did you ever hear of Mr. Hull talking about him or mentioning his name? A. No, sir.

Q. Did you ever hear Mr. Hull mention to you that he had received a proposition from him with reference to the Eastland? A. No, sir.

Q. Do you remember of having seen any correspondence with relation to the boat? A. Never heard of Mr. Wood until today.

THE CORONER: Did you ever have a discussion with the officers of your company regarding the stability of the Eastland? A. No, sir.

Q. Any complaints or any anxiety ever exhibited or reported by any one as to her cause of listing very often and very easily? A. No, sir.

Q. Nothing of that kind ever came up? A. Before we bought the boat?

Q. After you bought it? A. No, nothing.

Q. Before you bought it? A. Why, I understood once, Mr. Hull mentioned, the boat was returning, and I understand that she listed a trifle up in South Haven and I asked why she listed and he said on account of the shallow water.

Q. Who did you learn of her listing at South Haven, from whom? A. I can't tell you that; I don't know.

MR. HOYNE: Have you declared any dividends since you bought this boat? A. No, sir.

Q. Why not, have not earned any, is that it? A. Have not earned any.

Q. Now, I suppose the question of economies was up at the meetings of the board of directors? A. No.

Q. Were any orders given to them about saving coal? A. Given to whom?

Q. To the officers of the boat? A. Not that I know of; no.

Q. Did you carry liability insurance? A. Yes, sir.

Q. How much? A. I believe it is $150,000.

Q. And what did the policy cover? A. That I can't tell.

Q. What companies have that policy? A. I can't tell you that.

Q. Is it one or more than one? A. No, sir.

Q. What premium did you pay for that amount of insurance? A. I can't tell you that.

THE CORONER: Who placed the insurance; did you have a liability insurance and insurance against accidents that might happen on your boat? A. Yes, sir.

MR. HOYNE: How much fire insurance did you have? A. I would not be sure, I am not sure how much I have, I think it is $175,000.

Q. Fire insurance? A. I say I would not be sure of that, I think it is that much.

Q. Are there any public officials stockholders of your company? A. Public officials of St. Joseph, you mean?

Q. Of that section of the country? A. Not that I can remember of right now.

Q. Or any of their relatives stockholders? A. You mean the Mayor of St. Joseph, for instance.

Q. Any public official City or County? A. Yes, sir, there are.

Q. County officials? A. No County official, no.

Q. City officials? A. Yes, sir.

Q. All City officials? A. Yes, sir. I remember of one, there might be more, I can't recall.

Q. Is your Captain and Chief Engineer a stockholder? A. I can't say whether the Captain took some of his wages in stock or not. I don't think he did, however. I am pretty sure he did not.

Q. Do you know the salaries of the Chief Engineer and Captain? A. No, sir.

Q. Don't know that? A. No, sir.

Q. Do you know why Erickson was hired as Chief Engineer? A. No, I don't.

Q. Did you ever hear of him before he was hired? A. No, sir.

MR. SULLIVAN: That is all.

THE CORONER: Is he a relative of any of the officers of your company? A. I understand he is a son-in-law of Mr. Reid.

THE CORONER: Who is Mr. Reid? A. One of the inspectors.

Q. An inspector for whom? A. For the Government, I believe.

Q. Inspector of boilers or an inspector of hulls? A. I can't tell you that.

Q. Was it Mr. Reid that recommended his appointment as Chief Engineer of the Eastland? A. I don't know anything about the appointment of Mr. Erickson. He was made Chief Engineer and I didn't know he was Chief Engineer until he had been on board a week.

Q. You seem to frankly admit that you don't know anything about it? A. It is absolutely so.

Q. Except put in your money, is that it? A. That is all.

Q. You say you are a farmer? A. Yes, sir.

Q. Does you farm pay you better than the boat. A. Yes, indeed.

A JUROR: When did Mr. Erickson go to work as engineer? A. It was during April or May of 1914.

Q. He went to work in 1914, April or May, and he had been at work when you saw him there a week? A. Yes, sir.

Q. That was the first you knew of it? A. Yes, sir.

Q. He went to work before you bought the Eastland? A. I beg your pardon, he went to work in 1915 of this year.

Q. 1915? A. Yes, sir, instead of 1914.

A VOICE: Did you intend to intimate and state the fact that Mr. Reid, the Government Inspector, is a stockholder in your company? A. No, sir.

Q. The question was put in such a way that your answer might indicate that Mr. Reid was a stockholder; did Mr. Reid have any stock in your company? A. No, sir.

THE CORONER: You told me you didn't know all the stockholders? A. No, sir.

Q. He might be a stockholder? A. No, sir; I am positive he was not a stockholder. I am the man who signed the stock. I knew who they are. I don't remember now who they were.

Q. Do you know of any Government Inspectors that are stockholders in your company? A. No, sir.

Q. Is not Reid? A. No, sir.

Q. You are positive about that? A. Yes, sir.

A JUROR: Mr. Steele, you had $5,000 in the treasury when you bought this boat.

A VOICE: The first boat you bought? A. Yes, sir.

A JUROR: You sold $70,000 worth of stock and with that $75,000 and your earnings you paid $150,000 for the Eastland? A. No, sir; it is not the case. We raised the capital stock to $100,000 and we sold up to $90,000. We still have, I believe about $9,000 in stock in the treasury.

Q. You say you sold $60,000 of that, you already had $30,000? A. Yes, sir.

Q. $60,000 of that and the $5,000 that you had in the treasury after buying the boat would make $65,000? A. We didn't have that in the treasury then. The first year we were in business we didn't make any money.

Q. Where did you get the money to pay for the Eastland? A. We bonded the boat for $100,000.

Q. The boat was bonded for $100,000? A. Yes, sir.

MR. HOYNE: Where did you sell these bonds, were they sold on the market? A. A few of them there and a few of them here.

Q. Who did you dispose of them to here, some bank or trust company? A. Some bank.

A JUROR: Have you kept up the interest on the bonds? A. Yes, sir.

MR. HOYNE: Mr. Steele, have you ever had this boat repaired by some company, the Chicago Ship Building Company or some such title in South Chicago at any time since you have had it? A. Yes, I believe we had.

Q. How long ago was that? A. About—between two or three weeks ago.

Q. You mean almost just prior to this accident? A. Yes, sir; two or three weeks ago.

Q. How much did that cost you? A. I don't know.

Q. Have not had the bills yet? A. I don't know whether they received the bills or not.

Q. Did you have any dealing with the officers of this company concerning the repairs yourself personally? A. No, sir.

Q. Who took charge of that? A. I expect Mr. Hull and Mr. Davis.

Q. You don't know? A. No, sir; I don't.

Q. What was the general nature of the repairs? A. That I cannot tell you.

Q. Were there to be any changes in the substantial structure of the boat? A. I don't know.

Q. Did you make a contract for the repairs? A. I don't know, sir.

Q. Did you have any meeting of the Board of Directors to discuss these repairs? A. No, sir.

Q. Nor the cause of it? A. No, sir.

Q. Do you know why it was done? A. No, I don't.

Q. Do you know whether it was necessary to be done? A. I presume it was necessary or Mr. Hull would not have done it.

Q. Did you approve his action in doing it? A. I have nothing to do with what he does.

Q. You are a member of the Board of Directors? A. Yes, sir.

Q. Didn't you know he was going to do it before he did do it? A. No, I did not.

Q. When was the first time you knew that the boat was being repaired or ought to be repaired? A. When I heard she didn't come in to St. Joseph, I called up the office and asked why and they said she was in the South Chicago Ship Yards.

Q. When you say you called up the office who did you call up? A. I don't remember who answered the phone, don't remember who I talked to, simply asked why the boat was not in service.

Q. What office then did you call up? A. Our office in St. Joseph, St. Joseph-Chicago Steamship office.

Q. In St. Joseph? A. Yes, sir.

Q. How many employes are in your office? A. Eight or ten.

Q. And you don't know who usually answers the telephone? A. Any one might answer it.

Q. Any one of the ten employes? A. Yes, sir.

Q. Are they all office men and women? A. Yes, sir.

Q. Any one of the ten might answer the phone? A. Yes, sir.

Q. Is that the only time you ever heard of the repairs before or since that were made? A. I think I asked Mr. Hull what was done there and why it was done, and what he told me I didn't understand, therefore thought very little of it. I don't remember what he said right now.

Q. How many days had the Eastland been out of the repair docks or repair shops, or whatever you care to term them prior to this accident? A. I believe she was in the dry dock three days, I am not sure.

Q. Well, that was three days in dry dock, how many days was the boat out of service, more than three days? A. No, I don't think she was.

Q. You told me a moment ago you were lead to inquire about the boat because it missed a trip, how many trips did she miss? A. Three trips that she missed.

Q. Had the Eastland ever been in that particular dock or in that repair shop or concern before that, since you know anything about it? A. Never been in this dry dock before as far as I know.

Q. You have told me that Mr. Hull spoke to you of what had been done, but you didn't understand him? Didn't you understand whether the repairs related to the hull or the spars or the screws or rudder? A. I think he said something about the shafts, but I am not sure.

Q. Was Mr. Arnold present when you had that discussion? A. No, sir.

Q. Have you told us all you know about the repairs? A. Absolutely.

Q. How long have you known the present or the recent captain of the Eastland, Mr. Pedersen? A. I came over with him last spring, 1914, on one of the Graham & Morton boats and Walter Morton introduced me to him.

Q. And that was how long after you had purchased the boat, or was that before? A. I believe that was before we purcahsed it.

Q. That is the first time you met in the spring of 1914; how many times have you met him since? A. How many times have I met him since?

Q. Yes, sir? A. I can't tell you that.

Q. As often as once a month or once a day? A. I didn't see him all winter. I saw him once all winter. I happened to run into him in Benton Harbor.

Q. During the season for summer boats, twice a week? A. All depends on how busy I was on the farm.

Q. How often have you traveled on the Eastland on these trips? A. Oh, on an average, once every two weeks—it will hardly average once a month.

Q. Taking your average to be the correct one, once a month, have you ever had any discussions about his tanks, ballast tanks as they have been termed here today? A. No, I don't believe I have.

Q. Have you ever had any discussion about the boat being top-heavy or cranky? A. No, sir.

Q. Ever have had any discussion as to the boat listing? A. I don't remember that I have.

Q. You told us at the beginning of this evening session that you had heard that the boat was a cranky boat, that you had heard something of that, did you ever mention that to the Captain of the boat? A. I don't remember that I have. I might have mentioned it to him.

Q. Suppose you stop and reflect a minute and see if you can remember one occasion when you did? A. No, I cannot.

Q. (By Mr. Hoyne): How long have you known Erickson, the Chief Engineer? A. I have known him—in fact, he was on the boat a week before I happened to drop in to see him.

Q. And did you have anything to do with getting him his position on the boat? A. No, sir.

Q. Who did employ him, if you know? A. Mr. Hull.

Q. Did Mr. Hull tell you at the time he employed Mr. Erickson that he had employed him? A. No, sir, I don't believe he did.

Q. Did he ever discuss with you the matter of the employment of a chief engineer? A. No, sir.

Q. You mean the matter never came up between you and Mr. Arnold and Mr. Hull until you went on the boat and found Erickson there? A. No, sir; you asked me when I first met Mr. Erickson.

Q. Yes, and you said you thought he had been on the boat about a week, didn't you? A. Yes, about a week.

Q. Now, prior to the time you went on the boat, you met him some place; was it on a farm or dry land? A. On the boat.

Q. Now, I say prior to that time, at any time, a week or a month or a year ago, had you ever had any discussion with either Mr. Arnold or Mr. Hull with reference to Mr. Erickson, about his employment as chief engineer? A. I think I met him in town early in spring and asked if he hired

an engineer. First I asked if he was going to have the same one he had last year.

Q. Who was that, by the way? A. I have forgotten the man's name. He was the first assistant engineer before his appointment as chief engineer.

Q. Mr. Erickson succeeded him? A. Yes, sir.

Q. All right; go ahead now. You had a talk with Mr. Hull? A. He said no, he was not going to have the same engineer he had last year. I said: "Who are you going to have?" He said: "I have hired a Mr. Erickson."

CORONER: Upon whose recommendation? A. I don't know, sir.

Q. (By Mr. Hoyne): Did he say: "I have hired Mr. Erickson, who is a son-in-law of Mr. Reid?" A. No. sir, he did not.

Q. Did he tell you anything about his relationship with Mr. Reid? A. No, sir.

Q. Did he mention Mr. Reid at the time? A. No, sir.

Q. All right; you met Mr. Erickson on the boat. Did you have anything to say to him about the tanks? A. No, sir.

Q. How many times since then when you were taking these trips to and fro on the boat did you meet Mr. Erickson when you had talks with him? A. I might have passed the time of day with him every time I went through the engine-room.

Q. Ever talk to him about the condition of the boat? A. No, sir, I did not.

Q. About trimming the boat? A. No, sir.

Q. Ever use the word stability or anything of that sort? A. No, sir.

Q. From the time you acquired the Eastland, by purchase, is there any time any of the employes of the boat ever had a talk with you about the safety or security of passengers on the boat? A. Never anybody said anything.

Q. Ever have a talk with Mr. Hull about that? A. No, sir.

Q. Or Mr. Arnold? A. No, sir.

Q. Then, as I understand, Mr. Steele, you say you simply put your money in the boat and never knew anything about the boat or the business or management of the corporation, or the boat or anything else; is that right? A. Yes, sir.

Q. As Mr. Sullivan termed it a while ago, you acted the part of angel? A. I suppose that is what it is.

Q. (By Mr. Sullivan): What salary did you draw? A. $50 a month.

Q. What salary does Hull get? A. He hasn't taken any salary.

Q. Since the company has been organized? A. Yes, sir.

Q. How does he live? Is he a wealthy man? A. I suppose he is.

Q. How do you know he hasn't taken any salary? A. I take his word for it, and it is not in the statement last year.

Q. The only statement you have is the one issued at the last annual meeting? A. I have the first and the second one.

Q. When was the last statement issued? A. In December last year.

Q. He says he is not taking any salary? A. Yes, sir.

Q. Is Mr. Arnold interested in the management of the company? A. No, sir.

Q. Just about as much as you are? A. Not as much; he doesn't have to sign his name.

Q. He never comes down to the office? A. He comes down on the average of twice a year.

Q. So Mr. Hull is the whole works over there? A. Yes, sir.

Q. (By Mr. Hoyne): How much salary does Mr. Davis get? A. I think it is $110 a month; I am not sure about that.

Q. Do you know the total pay roll of the office force of your company? A. I don't know exactly.

Q. Who is the highest-paid man in your office force? A. I don't know.

Q. Does anybody get any more money than Davis? A. I don't know whether they do or not.

Q. (By Mr. Sullivan): Wasn't this boat repaired in St. Joe not long ago? A. Was it repaired in St. Joe? Not that I know of.

Q. Either by going into dry-dock or by divers? Bystander: Benton Harbor.

MR. SULLIVAN: Benton Harbor? A. It didn't go into dry-dock, because there isn't any there. Last winter one of the sea-cock valves froze and broke.

Q. That's the sea-cock valve that supplies the ballast tanks with water? A. Yes, sir, I think that's what they do.

Q. Did you know this boat had water ballast? A. Why, I supposed she had water ballast, because every good boat has water ballast, as I understand it.

Q. Now this damage to the sea-cock and valve last winter was repaired where? A. In Benton Harbor.

Q. That caused the boat to settle in the water, didn't it? A. Yes, sir, it did.

Q. How far did it settle? A. It could not settle very far because it was on the bottom.

Q. Did it tip over? A. No, sir.

Q. Did it list a good deal? A. Yes, sir.

Q. What concern made the repairs? A. I don't know.

Q. Did your own crew make it? A. I don't know that.

Q. (By Juror): Which side is this? A. As I understand, there are two sea-cocks.

Q. And this one that broke was on which side? A. I am just trying to think which way the boat pointed when it did break—which way it was pointing all winter—but I think it was on the left-hand side of the boat.

Q. It listed to the left-hand side? A. Yes, I think it did.

Q. And there was another sea-cock on the other side that took in water for these tanks. A. I understand there are two sea-cocks, yes.

Q. One on each side. A. Yes, sir.

Q. Last December, when you had this annual meeting, you had a report of the earnings for the year? A. Yes, sir.

Q. And you found you hadn't earned any money? A. Yes, sir.

Q. And did you plan to try to do better this year? A. Yes, sir.

Q. And discussed in the Board of Directors how to do better this year? A. No, I don't think we did.

Q. Did you discuss the matter of economizing, running on less coal? A. No, sir.

Q. Did you ever discuss anything with the captain or engineer about running on less coal? A. No, sir.

Q. Do you know if Mr. Hull ever did? A. No, sir, I do not.

Q. (By Mr. Hoyne): Mr. Steele, how long have you known Mr. Hull before you subscribed for stock in this corporation? A. I think three years.

Q. And during these three years, was he then a resident of Mackinac? A. No; Mr. Hull was a citizen of St. Joe at that time.

Q. What were your relations with him, business or personal? A. Personal, altogether.

Q. What business was he in? A. He was dock manager for Mrs. E. A. Graham, his mother-in-law, for the Graham & Morton Transportation Company.

Q. And at the time of this business transaction, did he sever his connection with the Graham & Morton Company? A. Yes, sir.

Q. Has he now any connection with any other line transporting passengers on steamboats, do you know? A. No, sir.

Q. Has he any other interests that you know of? A. No; he is a director of the bank.

Q. That is, one of the banks in St. Joe? A. Yes, sir—the Union Banking Company.

Q. (By Juror): Mr. Steele, you live in St. Joe? A. Yes, sir.

Q. It was testified to by Mr. Wood that the boat was laid up for repairs in St. Joe? A. Yes, sir.

Q. When was this—in September last? A. We laid up in September.

Q. In September were there any repairs made while you were there? A. Not as I know of. They were fixing up the boat for the summer run.

Q. In September? A. No; I don't believe I went aboard the boat in September.

Q. You went aboard it in that period? A. I don't believe I went aboard before spring.

Q. When was the boat laid up last fall? A. I believe around Labor Day.

Q. In September? A. Yes, in September.

Q. It was testified that there were more changes made. No response.

Q. (By Juror): You testified you had insurance of $150,000 on the boat? A. I think something like that.

Q. Does it cover accidental deaths occurring on the boat? A. No, I think not.

Q. When they gave you this insurance, did the liability insurance company inspect the boat? A. I cannot tell.

Q. (By Mr. Hoyne): Who placed the insurance? A. Prindeville & Company, I believe.

Q. During the time the Eastland turned over in the river on the 24th of July and the present moment, have the Board of Directors had any meeting? A. No, sir.

Q. Have you had any correspondence with Mr. Hull in regard to your coming over here? A. No, sir; well, on the way, I stopped in to see Mr. Hull, on the understanding from Mrs. Hull that he was very sick.

Q. Did you come over on your own suggestion or the advice of counsel? A. I didn't know Mr. Barber until yesterday.

Q. (By Mr. Sabath): Do you know Mr. Reid, the Government Inspector? A. I think I met him last summer as he was taking tally of one of the boats, the Eastland.

Q. Met him only once? A. I met him once and shook hands with him.

Q. Do you know Mr. Eckliff, the other inspector? A. I met him once.

Q. Have you ever talked to either of these gentlemen about the boat? A. No, sir.

Q. About the carrying capacity of the boat? A. No, sir.

Q. Was there anything said about the value of the boat before you purchased it for $150,000—before you purchased it? A. I believe they said it cost $325,000 to build.

Q. Was there anything said why it was being sold for less than half of its cost? A. I believe I asked why it was being sold for that price, and they explained the company had never paid any interest on the bonds nor taken up any bonds, and the bank that bought the bonds had broken up and they wished to settle up all affairs.

Q. Wasn't it very strange that you could buy a boat nearly new, that cost over $300,000, that you could purchase it for $150,000? A. It was ten years old.

Q. But it was nearly new? A. Yes, sir.
Q. Didn't need any repairs? A. No.

CORONER: Do you want this witness at any time?

MR. HOYNE: Why, I think so.

MR. BARBER: He will be ready any time he comes to me. He is under subpoena for the United States Grand Jury.

MR. HOYNE: I think we better subpoena you. If Mr. Barber assures me he will produce you some time after 9 o'clock to-morrow, it will satisfy me.

MR. BARBER: Any time you want him.

MR. HOYNE: Where are you staying—what hotel?

WITNESS: Where am I going to stay to-night?

MR. HOYNE: Yes.

WITNESS: At the La Salle.

MR. HOYNE: All right. We will get hold of Mr. Barber; we may want you at half-past 9 or 10 o'clock.

MARTIN FLATOW,

having been called as a witness, after having been first duly sworn, was examined by the Deputy and testified as follows:

Q. What is your full name? A. Martin Flatow.
Q. Where do you live Mr. Flatow? A. 5105 Montrose avenue.
Q. What is your occupation? A. Excursion agent.
Q. By whom are you employed? A. Mr. William H. Hull.
Q. How long have you been in the employ of this steamship company? A. Well, this is the second season.

THE DEPUTY: What was your duty with the company? A. Getting business for them in general; getting business for them and advertising.

Q. Are you connected with the Chicago office? A. Yes, sir.
Q. Did you have anything to do with this excursion of the 24th of July, this year? A. No, sir.
Q. Did you have anything to do with the selling or issuing of tickets for that excursion? A. No, sir.
Q. Were you present at the office at the time of the accident? A. I was on the dock, sir.
Q. On the dock? A. Yes, sir.
Q. On the south side of the river? A. Yes, sir.
Q. West of Clark street? A. Yes, sir.
Q. What hour did you get there? A. Half-past five in the morning.
Q. Half-past five in the morning? A. Yes.
Q. The boat was then tied right up at the dock? A. Yes, sir.
Q. How many passengers were on board at the time? A. Not any, sir, outside of the crew.
Q. Not any outside of the crew? A. Yes, sir.
Q. Were there a number of people waiting to board the boat? A. They were up on Clark street.
Q. Quite a considerable crowd? A. Well, they started coming at half-past five and from then on; I was down on the dock after that, I was down on the dock after that and could not say.
Q. Well, there was quite a number of them on the dock? A. Any person on the deck. The officers were up on the stairs and would not allow anybody down.
Q. Did you remain on the dock until the passengers came to board the boat? A. Yes, sir.
Q. Were you there when the first passenger boarded the boat? A. Yes, sir.

Q. What time was that? A. I could not exactly tell what time; I never looked at my watch from the time I got down there until some time around noon.

Q. It was some time around noon; you did not look at your watch? A. No, sir.

Q. You say you got there at 5:30? A. About 5:30, yes, sir.

Q. How long were you there, how long were you there before the passengers began to board the boat? A. Well, I should judge from 7:15 to 7:20, may be a little earlier or later, I could not say.

Q. Where did they board the boat? A. Stern gangway plank.

Q. That had been out all the time? A. It was out with the chain across until such time as we started to load the boat.

Q. Wasn't there a number of people went up and down the gang-plank during the early hours? A. That is not except they were employes.

Q. Do you know the employes? A. Yes, sir, most of them; they have got to have badges to get on or off; there is a watchman down at the gang-plank down there.

Q. They wear badges? A. Yes, sir.

Q. You swear that there was nobody went on the boat without being properly identified? A. I can swear from the time I was there, yes, sir.

Q. Now, nobody had gone out on the board loading the boat when the chains were taken off? A. Yes, sir.

Q. A great many people were then on the dock waiting to go on? A. When we take off the chains?

Q. Yes, sir. A. No, sir.

Q. Who took the chain off, do you know? A. I took the chain off.

Q. Was that your duty? A. Yes, sir.

Q. Who was there at that time to assist you? A. The purser and the two government inspectors.

Q. What is the purser's name? A. Munger.

Q. Who was the government inspectors? A. I could not tell you the names, sir; the only way that I could identify them was by the badges and caps.

Q. You seen them frequently, did you? A. What?

Q. You've seen them frequently, haven't you? A. I saw them from the time they started to load the boat until they got through.

Q. You seen them, however, on other occasions? A. Well, I do not know exactly; I seen them; I have seen the government inspectors.

Q. They both work together—both inspectors? A. Why, no; there is one working; I don't think the two are checking.

Q. Do they change off, rest off? A. No, sir; one loads the boat and continues until he is through.

Q. You don't know who it was loaded this boat? A. I could not say, sir.

Q. Where was he stationed? A. Stationed at the right gang-plank.

Q. At the foot of the gang-plank? A. We never let anybody on until he said he was ready.

Q. Was there an incline or tip from the dock to the boat? A. A little, yes, sir.

Q. Downward? A. Yes, sir; it varied.

Q. He stood on the dock or stood on the boat? A. No, sir; he was on the boat.

Q. Who took the tickets? A. Myself and the purser.

Q. Kept you pretty busy? A. Yes, sir.

Q. The people came with a considerable crowd, there, did they? A. Yes, sir.

Q. What is the width of that gang-plank? A. The gang-plank, three and a half feet.

Q. Three or four people go in abreast? A. Two abreast.

Q. Any more than two abreast? A. Not the way we had it, sir. The purser and I were on the gangway and I was taking the tickets.

Q. Did you have it so arranged that they came on in a perfectly orderly manner? A. Yes, sir, about as well as we could.

Q. There was not a great rush to get on board? A. We had men holding them back on the other side of us.

Q. How many children went on board the boat during the time she was loading? A. Some, sir, did.

Q. Was there a list of the boat when the loading commenced? A. When the loading first commenced?

Q. Yes, sir. A. I did not notice anything.

Q. What time did you first notice the list in the boat? A. Well, I could not exactly say; I did not look that way. I had all I could do taking tickets and watching the passengers.

Q. Well, what time—about how long before the boat upset did you notice the list in the boat? A. Why, the government inspectors stepped out and called a halt; he said: "You have enough on board." We stopped; then he said: "You have room for eight more; you have your capacity." So he let on eight, and then they pulled in the gang-plank.

Q. Now, let me ask you, while those people were loading on the boat couldn't you tell there was a list to the boat by the raising or lowering of the gang-plank? Didn't it respond to that list? A. Naturally, when you are loading a boat, getting a lot of people on, it will settle maybe, but as to making the gang-plank lower or raised, I did not notice any list either the one way or the other.

Q. Well, the boat was well loaded then before you noticed any list? A. Yes, sir.

Q. What is your estimate of the number of people on the boat at the time it went over? A. I haven't any estimate to make outside of the government inspectors; they told me we had 2,500; that is all I know.

Q. You ever see a larger crowd of people on that Eastland? A. Larger crowd than the Eastland—2,500?

Q. Than they had on this morning? A. No, sir.

Q. That is all.

MR. SULLIVAN: I will ask him a few questions.

Q. Where is Munger now? A. Munger is at your office, sir.

Q. When did they get him? A. Who get him?

Q. He has been in hiding ever since this disaster, hasn't he? A. No, sir; he tried to get himself on board the boat, and the policemen chased him away there.

Q. How many lines were on this boat when she went over? A. I could not say how many at the time; there were two at the stern end.

Q. Now, when she went over, when you came to the conclusion she was going over, what did you do? What did the other men connected with the boat do? A. Well, just as soon as I seen she was going over I throwed off my clothes and tied a rope on myself and jumped on the fender myself and two men grabbed the rope and held me while I assisted people out of the river.

Q. What did the captain do and the purser? A. I could not see the captain or the purser at all. I didn't wait to see them.

Q. Was the passengers fairly well distributed around the boat? A. To the best of my ability I would say they were, yes, sir.

Q. What were your duties there besides taking tickets? A. Besides taking tickets?

Q. Yes. A. I don't know that I had much to do outside of that that morning.

Q. Did you look after the ropes? A. No, sir; they had other men there looking after them.

JUROR: Did you count the tickets you took in? A. No, sir, I did not.

Q. How did the government inspectors state there was enough aboard —how did they keep track? A. He had a checker; he does that with a mechanical device.

Q. Do you know how he was passing the passengers, whether counting the children as one? A. He was counting the children as one.

Q. As one? A. Yes, sir; even a baby in arms is counted as one; that is the understanding we have.

Q. About how many children did you pass, two on a ticket? A. Why, I should judge fifteen or twenty.

Q. In other words, you took about fifteen tickets and passed twenty children on them? A. Yes, sir.

Q. About how many babies in arms were carried in, in your best judgment? A. I should judge about twenty-five.

Q. You should judge about twenty-five. A. Yes, sir.

Q. About forty-five children, including the babies, according to your best judgment? A. Yes, sir; that would mean there would be tickets for half of them.

Q. And they were counted as tickets for each one? A. Yes, sir, even babies in arms.

JUROR: You were there representing the company that owned the boat? A. Yes, sir.

Q. How long had they stopped taking up tickets before the boat went over? A. Why, to my best memory, about ten or fifteen minutes, about.

Q. About ten or fifteen minutes? A. Yes, sir.

Q. Did they take in the gang-plank then? A. Yes, sir.

Q. Had they cast off the stern line? A. They cast off one line, sir.

Q. That is, the stern line? A. Yes, sir.

Q. Did they turn it entirely loose and play it out? A. They took it off altogether.

Q. Took it off altogether? A. Yes, sir.

Q. And if it is on there now, then somebody put it on since? A. No, sir; that line was never taken off at all, the one that is on there now.

Q. What is that line? A. That is also a stern line.

Q. There were two stern lines on there? A. Yes, sir.

Q. Did the boat swing out when the other stern line was taken off? A. No, sir; the boat never moved.

Q. The stern of the boat is as close to the shore as the prow is? A. Sir?

Q. Is the boat, as it lies now in the river, is the stern as close to the dock as the bow of the boat? A. That I could not say, sir.

Q. The stern did not move out? A. No, sir, not until after the boat went over.

Q. After it went over, did it move out? A. Yes, sir; the line surged and the boat moved out a little.

Q. Slid out? A. Yes, sir.

Q. Your firm had charge of the concessions on the boat? A. I do not know exactly what you mean by that.

Q. Your concern operated the bar? A. Yes, sir.

Q. And other things that were sold and disposed of on the boat? A. Some of it, yes, sir.

Q. How many people did you have for that purpose? A. Why, I think there was two bartenders.

Q. Did you have a string band on there? A. A string band?

Q. String band. A. We had Bradfield's Orchestra. There were five pieces.

Q. What else? A. That is all I know of, sir.

Q. Were these people on there selling, making the music; were they in addition to the regular crew? A. Were they in addition?

Q. Were they in addition to the regular crew? A. There was a band, I think, went on; there was six or eight pieces, but they were checked on by the government inspectors the same as the passengers.

Q. Were the bartenders checked on? A. The bartenders are the regular crew, sir.

Q. Put on anybody outside of the band without checking them on? A. No, sir.

Q. Your 70 employes of the boat included all the people that sold things around in there? A. Between 68 and 70, yes, sir; we carry anywhere from 68 to 85, I guess.

Q. Was your company in charge of the boat that day? A. No, sir; the boat was chartered to the Indiana Transportation Company.

Q. Was it your business to see how the people were distributed over the decks? A. No, sir.

Q. Whose business is it? A. That is the business of the crew, the watchman, et cetera, on the boat.

Q. Were they following that duty? A. I was not on the boat; I could not say.

Q. Couldn't tell from your place? A. No, sir.

Q. What happened in this ten or fifteen minutes after the gang-plank had been taken up before the boat went over? A. Well, there was not anything that I know of that happened.

Q. Is it customary for your boat to stand fifteen minutes or twenty minutes after the gang-plank went in? A. Sometimes, waiting for orders to go.

Q. Did you notice the boat was listing or swaying during that twenty minutes? A. No, sir, I did not; I didn't notice the list until it started to list and it went over.

Q. That is all I care to ask.

THE CORONER: How many port holes or air holes are there on either side that you close in case of storm to keep the waves and water from coming in? A. As far as the port holes are concerned, it is not necessary to close them. They are up too high for any storm to bother.

Q. Are there any others? A. Yes, sir; there are doors, three on each side.

Q. If those doors are closed are the compartments water-proof? A. Practically, yes, sir.

Q. The reason I asked you that question is I was told by the divers that went down there that they found the doors and everything open? A. It is natural they would find them open.

Q. Why? A. Because they never close them unless there is a storm on the lake.

Q. Would it be necessary to close them if they knew the boat was going to tip and save the water rushing in as it does? A. I don't think it would save them, because the decks are all open.

Q. From the top? A. Yes, sir; that is, one all the way through.

THE CORONER: That is all I care to ask. Have any of the jurors any questions?

MR. SULLIVAN: Just a question or two. Where were the repairs made on that boat; you were with her when they made the repairs at South Chicago? A. South Chicago? Why, I went out there once or twice, yes, sir.

Q. What repairs were made on her? A. The only repairs I know that was made on her, her wheels and the shaft on the outside of the boat.

Q. The only repairs? A. Yes, sir.

Q. You have been with the company how long? A. Since it has been here in Chicago, that is, since they got the Eastland.

Q. A couple of years? A. Yes, sir.

Q. What was its carrying capacity when you first knew of the boat? A. Well, I couldn't say exactly the number; it was twenty-two hundred and something. Well——

Q. Well, it was increased to what? A. Twenty-five hundred.

Q. That is the last increase? A. Yes, sir.

Q. Who told you when it was increased? A. Who told me it was increased? Why, I seen the papers on the boat and the government inspector.

Q. Was that the first time you learned about that? A. When I learned about it there was more life equipment; it was at the Rush street bridge, I think, I was told about it.

Q. Were they put on? A. Yes, sir.

Q. Did you inquire of anybody how they brought about the increase of passengers? A. I don't know anything about that, sir.

Q. That was none of your business? A. No, sir.

Q. You did not learn how it was brought about? A. No, sir.

MR. SULLIVAN: That is all.

JUROR: Just a question or two. Why were you there that day taking tickets? A. Well, it was customary for me to be at the boats that were to load, no matter where it is when it is loaded.

Q. Now the tickets was a matter altogether with other company? A. Yes, sir, with the other company. We had no interest in the tickets. It was a matter of courtesy on my part helping him out.

Q. You were there as an employe of your company? A. Yes, sir.

Q. Taking tickets for the other company? A. Yes, sir.

Q. Have you always done that? A. Yes, sir.

Q. You go with the boat? A. Occasionally.

Q. Occasionally, or always? A. No, sir, not always.

MR. BARBER: Go down with the boat on this trip?

JUROR: No. What I mean is this: The boat is leased for the day; does that carry your service as well as the service of the captain? A. Yes, sir. I generally go to the dock where the boat is loading.

Q. You don't always do that, do you? A. I always go to the dock where the boat is loading.

Q. You always; you also take the tickets when leased by somebody else like on this last day? A. I do if there is a big crowd.

JUROR: I think that is all.

JUROR: Q. Where is the office of the boat? A. 407 Rush street.

Q. No, I mean the ticket office; where they sell the tickets? A. You mean our ticket office?

Q. Yes, sir. A. 407 Rush street.

Q. Is there anybody on the street or the dock selling tickets that day? A. No, sir.

Q. You are sure about that? A. Positive of that.

Q. None of your tickets were taken in? A. No, sir.

Q. What tickets were taken in? A. The Indiana Transportation Company.

JUROR: And the picnic tickets? A. Yes, sir, the picnic tickets.

Q. Did you take in two kinds. A. We took in the regular tickets, the Indiana Transportation Company.

Q. How were they distributed—what percentage would you guess? A. I could not say that, as I understand the society handled their own tickets, any people that did not belong to the society might come to the Indiana Transportation Company and buy tickets.

Q. Were the tickets different colors? A. They were different in shape.

Q. You could tell them as soon as you saw them? A. Yes, sir.

JUROR: How many Indiana tickets were taken in by you? A. I should judge about 20.

Q. That would not indicate they had sold them there? A. Yes, sir.

JUROR: And the purser checked in perhaps the same number? A. I could not say he got any of them, he might and he might not have.

Q. As far as you know only 20 tickets of the Indiana tickets were taken in? A. Yes, sir.

HARRY A. PEDERSON,

a witness, being duly sworn, was examined by the Deputy and testified as follows:

Q. Sit down, captain.

CAPTAIN PEDERSON: Thank you.

THE CORONER: Let us be quiet. What is your full name?

THE WITNESS: Harry A. Pederson.

Q. Your occupation? A. I am master of steamships.

Q. Where engaged? A. At the St. Joseph Steamship Company.

Q. On what boat? A. On the steamer Eastland.

Q. Captain, as Coroner of this county, the law requires that I inform you of your rights, that you need not testify here unless you want to. A. Yes, sir.

Q. And that the evidence you give, must be of your own free will and accord, without duress or promises of any kind. A. Yes, sir.

Q. And may be used against you in a criminal proceedings? A. Yes, sir.

Q. Do you understand that? A. Yes, sir.

Q. Under those conditions you desire to testify, do you? A. Yes, sir.

Q. How long have you acted as a sea captain, captain of the boat? A. Well, I think pretty near twenty years.

Q. On what boats in Illinois, or running in Lake Michigan, or the Chicago river, have you served as a captain? A. I have sailed the George C. Howe, for A. B. Wooldin of Duluth, Minnesota.

Q. For how many years? A. I sailed her one season, took her out of South Chicago a new boat.

Q. Was she a passenger or a freighter? A. A freighter.

Q. The next? A. I sailed the Northtown.

Q. Go ahead. A. For Charles F. Counselman.

Q. For how many years? A. I sailed her from Chicago here into Europe.

Q. Into Europe? A. From there then to Antwerp and Hamburg.

Q. Loaded with grain? A. We had general cargoes.

Q. How long? A. I sailed her one season, delivered her to New York in the fall of the year.

Q. Next? A. Why, I have sailed some yachts Sentinel for Billings, L. C. Wachtsmuth and C. K. G. Billings.

Q. For how long? A. Five years.

Q. How long have you been in the employ of the Michigan-Chicago Transportation Company? A. I was hired by the St. Joseph Steamship Company, by Mr. Hull, on the 26th day of June, 1914.

Q. How long have you acted as captain of the Steamer Eastland? A. I was hired by the day, and I laid her up last fall. I was paid off two days after she was laid up for dock there at St. Joe and Benton Harbor.

Q. How many seasons have you run her? A. This is my—we run her from the 26th of June to the day after Labor Day, last year.

Q. Yes. A. Then I started to work. Well, now, I was—I say I ain't got no contract, I was hired for five months this season, fell out, then lay up

and to run three months, then take a month to fit her out and a month to lay up, that would be five months.

Q. How many employes were under your charge on the Steamer Eastland on Saturday last, July 24th? A. Why, let's see, I don't know exactly how many in the deck compartment.

Q. As captain of that boat, all employes were under your charge, and subject to your orders, were they not, captain? A. No, sir.

Q. Which ones were, and which ones were not, designate? A. The engineer's department belonged to the chief engineer.

Q. Yes? A. Yes, sir.

Q. How many men has he got? A. I think he has got twenty men.

Q. Twenty men? A. Yes, sir.

Q. How many men in your department? A. Let's see, I got eight deck hands, two watchmen, two wheelmen, two look-outs, two officers, first and second officers.

Q. Yes.

MR. HOYNE: Captain. A. Yes.

Q. You have made a rather lengthy statement in my office last night? A. Yes, sir.

Q. And I have not had the opportunity of reading that and the Coroner and I have been discussing the subject, and we hardly feel it is fair to ask you to testify here, until we have had the opportunity of reading that statement over, and advising you as to your rights and the danger that you may incur by testifying? A. All right, sir.

Q. And possibly it may be better for you in your own interest, if you do not say anything further. A. All right, sir.

THE CORONER: In other words, we desire to say to you, captain, we wish to be fair with all concerned. A. Yes, sir.

Q. And we will advise you to confer with counsel before you give any further evidence, then if you desire to testify, we are only too glad and too willing to take the evidence you give here. What I mean by counsel is the advice of a lawyer. A. I am not going to say anything but the truth.

MR. BARBER: Perhaps the witness does not quite understand what you mean, Mr. Coroner.

THE CORONER: I have made the particulars plain, Mr. Barber.

THE WITNESS: Yes, sir.

MR. BARBER: That is plain to me.

THE CORONER: Do you understand me, captain? A. Well——

THE CORONER: You understood what I said, didn't you, that the evidence you give here may be used against you in a criminal proceedings, and it may lead to an indictment on a charge of a serious charge. It may mean that your liberty may be at stake, that may, however, occur whether you testify or not, and the State's Attorney will tell you that the law of the state requires that I notify you of your rights under the law, is that correct, Mr. Hoyne?

MR. HOYNE: Yes.

THE WITNESS: Thank you.

THE CORONER: Now, just a moment——

MR. HOYNE: In order to make the situation entirely clear, however, I want to have this understood: The captain at no time has asked any immunity or any promise of that sort, and he has no such promise, but I haven't read his statement that he made last night, and I don't think you ought to be led on here, in view of the fact that there is now actually out for him a capias.

MR. BARBER: I will say to the State's Attorney that I am willing to advise him, and I don't want him to testify unless he wants to.

MR. HOYNE: Well, I think that Mr. Barber you might tell him what, if he don't understand just what the meaning of what he does——

THE WITNESS: I know——

MR. HOYNE: —what I said, so possibly you had better talk to him?

THE WITNESS: I know very little about the law, gentlemen, except between wrong and right.

MR. BARBER: I understand there is a capias out by the United States court for this captain, and the probabilities—that in case that he is going to be indicted and tried for his liberty, and very probably on the charge of manslaughter. As a lawyer, I don't think he ought to testify. I think you have a statement from him. If that casts any light on the case, you make use of it in any way that your mind may suggest. I don't think, as a lawyer without any interest in this matter one way or the other, that he ought to testify. I know he is willing to tell the truth, and I want him to be law-abiding as far as he can, but——

THE CORONER: I assume he has already told the truth.

MR. BARBER: But, I don't see any reason why he should be subject to public testimony here, if he is advised by a lawyer that it won't aid the cause of justice, inasmuch as you have got his statement.

THE CORONER: The statement we have, evidently, Mr. Barber, may be used before the Coroner's jury, and taken by them for what it is worth, but it wouldn't be damaging in a criminal trial, because it wouldn't be admissible, would it?

MR. BARBER: No.

THE CORONER: Whereas the statement he gave here, under the conditions, would be admissible.

MR. BARBER: If this jury wishes to learn what the captain said about this accident, you have a statement which he had made. Now, the court is very jealous of the rights of a defendant, and he ought not to be called on to testify, until at the time when he is on trial, and all of the evidence has been introduced against him and he decides whether it is necessary, whether he ought to testify, and in fairness, I wish to say to the captain that he ought not to testify here tonight in this proceeding.

THE CORONER: I fully warned him, however, Mr. Barber, as the record will show.

MR. BARBER: I understood the warning, and whether he understood, I ask to see——

THE WITNESS: No, sir, I am not.

THE CORONER: Captain, we will excuse you.

THE WITNESS: Thank you very much.

THE CORONER: At this time.

THE WITNESS: Thank you, gentlemen.

MR. HOYNE: Kindly remain with us for a little while?

THE WITNESS: Yes, sir.

MR. BARBER: Well, I think he will.

Witness excused.

THE CORONER: Call in the engineer.

MR. BARBER: I would say the same to the engineer, Mr. Coroner. I will want to inform him, of course, of your proceedings.

THE CORONER: Call in the engineer, Erickson. You have been sworn, have you, Mr. Erickson?

MR. ERICKSON: Yes, sir, sworn this morning, sir.

THE CORONER: Sit down, please.

a witness, being duly sworn, was examined by the Deputy and testified as follows:

Q. You have been sworn, Mr. Erickson. What is your full name? A. Erickson, my name, Joseph M. Erickson.

Q. Louder, Joseph M. Erickson. Your residence and occupation? A. My residence on April 1st was St. Joe, Michigan. I am marine engineer.

Q. Mr. Erickson, as Coroner of this county, the law requires me to inform you of your rights, that the evidence you give here may be used against you later on in a criminal trial; it may endanger your liberty; that you need not testify here unless you want to. The evidence you give must be of our own free will, without promise or duress. A. Yes, sir.

Q. Have you conferred with counsel? A. No, sir, I have not.

Q. Having been informed of your rights under the law, do you desire to confer with counsel before I take your evidence here, to make it a public record? A. I have no counsel; I haven't seen any, and I haven't made any effort to see anyone.

Q. Do you desire to testify, or do you desire to have time to confer with counsel? A. I will testify as near as I can remember every—all the fact, the truth.

THE CORONER: I will leave this matter to the jurors. I warned the man of his rights under the law, Mr. Foreman. What do you think about it?

DR. EVANS: The jury has advised about the matter and this is their conclusion: They are anxious to get information on this subject from any source that they can. They have no idea as to what this witness will testify to, and have no information on that question. It is their opinion that it is for him to decide whether he will testify or not, and not for us. We are after information, and it is for him to decide whether the information that he has, that he may be called upon to disclose, will incriminate him or not, and on that point we have not any information.

THE CORONER: Do the jurors believe that I should give both the captain and the engineer a chance to confer with counsel before we take their evidence, that might deprive them of their liberty? Does the jury believe that both the captain and the engineer should be given an opportunity to confer with counsel before we take their evidence here?

A JUROR: As well as we can tell, yes. I take it, under the law and what you have said, that you think there is a possibility that he might want or need such counsel. We cannot very well decide that.

MR. BARBER: May I make a statement. As the representative of the Company. The Company wants the facts brought out, of course; but the Company's interest may be entirely different than the individual's, and simply as a lawyer here, interested in the justice to the Company and its employes, in so far as the employes ask my advice, where it appears that their position at the time of the accident was such that they may be charged with the responsibility for the accident, criminally, I should have to advise them if they want my advice, not to take the stand, and I have so advised Mr. Erickson.

THE CORONER: What do you think about this? Has he got to act under that advice.

MR. HOYNE: The foreman of the jury has stated it correctly—it is entirely up to Mr. Erickson. I have no hesitancy in saying this: I am in the position of public prosecutor, who may be called upon to prosecute you in a criminal proceeding. Someone must be punished for what has happened here. You made a statement. I have not read that statement—have not read your statement or the captain's. After I read it, I would tell you whether it was the best thing for you to testify or not. I am not in a position to tell you that until I read the statement, and I think you better not talk.

MR. ERICKSON: I wish to state that this is the first time I have been in court, and I am not familiar with things.

MR. HOYNE: I have not had a chance to read that statement, Mr. Erickson, and I don't know what it contains.

THE CORONER: I was present when both statements were taken last night, or early this morning, after midnight. We don't object to giving that statement to the jurors in this case.

MR. HOYNE: No.

MR. HOYNE: Well, I don't think I can remember this matter. I don't think either you or I can remember it.

THE CORONER: I think I have the essence of it, Mr. State's Attorney.

MR. HOYNE: We heard a lot of witnesses last night.

THE CORONER: I would feel that the jurors should, in order to render an intelligent verdict in this case, have the privilege of reading these statements from both the captain and the engineer.

A JUROR: I believe the State thinks there is enough evidence taken here, as far as the legal end of it is concerned. I suppose we will have to excuse him.

THE CORONER: What I wanted to ask Mr. Erickson, if his counsel wishes him to insert in the statement he made last evening before the State's Attorney and his assistant and the Coroner, that the statement contains the truth and the whole truth?

MR. BARBER: I would object to his saying that, because that would be testifying.

THE CORONER: Let it go at that, then. He did so testify last evening and if we wanted to use that, Mr. Barber, we could use it just the same. I believe that statement should be used by this jury, anyway. If I can help them get it, I will do so.

MR. BARBER: I don't wish to make it a public record.

THE CORONER: It is a part of the investigation in this case, and they may want it for the purpose of getting information, and we can turn it over to them.

MR. BARBER: That is the usual custom where a statement is taken. Somebody testifies that a statement was taken and it is embodied in the Coroner's minutes, but we don't mean that a party must answer in such a way that that testimony can be used against him when the trial comes up.

THE CORONER: We will excuse both witnesses for the time being, and we still wish to keep them—hold them pending Coroner's inquest. We want them held pending Coroner's inquest, until we get through with this case.

VICTOR A. OLANDER,

called as a witness, having been first duly sworn, was examined by Coroner Hoffman, and testified as follows:

Q. Your full name? A. Victor A. Olander.

Q. Where do you live? A. 3553 Belden avenue, Chicago, Illinois.

Q. What is your business? A. I am secretary of the Lake Seamen's Union and secretary and treasurer of the Illinois State Federation of Labor.

Q. What interest have you in the Steamer Eastland or what knowledge have you as to her condition, build, etc.? A. My knowledge regarding that particular steamer is limited, very limited, but I have been for the past year or more attempting to secure an investigation of the United States Steamboat Inspection Service, in order to remedy some very serious defects in that service.

Q. Have you any information regarding such service or such inspection pertaining to the Eastland? A. Yes, in the investigation that I have

been making from year to year, I noticed that there were some changes in the passenger lists of the Eastland.

THE CORONER: Go ahead and give us that information. A. In either 1912 or 1913, I secured information at the Cleveland office of the Steamboat Inspection Service as to the passenger list which he was carrying at that time, the passenger allowance permitted by the Steamboat Inspection Service. Later on I secured some information through a document that was filed before the Committee on Merchant Marine in the House of Representatives at Washington, D. C., the 1912 or 1913 document, I am not sure which year that was issued, that she was permitted to carry at all times 143 passengers. She was permitted to carry between May 15th and October 15th, that is to say during what we call the excursion season, 653 passengers, and during that same period, the excursion season, if kept within five miles from land and in waters not sufficient to submerge the vessel in case of disaster, she was allowed 2,000. There may be a slight difference in these figures. I am not sure whether that included the crew. In the document which I have referred to, which I was advised at the time was compiled for the use of the Committee on Merchant Marine, she showed a passenger allowance of 2,120, at that time being on Lake Michigan and on a route that would take her more than five miles from land. That particular document was filed there to show what the passenger allowance of the Steamer Eastland would be in event that the law or bill, which was under discussion in Congress at the time became a law, which goes into effect on November 4th. The claim was made there that it would limit her to 1,060. I think that is the correct figure. I have called the attention of the Department of Commerce to what I believed to be some very serious neglect and violation of their own rules, which amounts to a violation of law on the part of the United States Steamboat Inspection Service. The particular part that I had to do with the Steamer Christopher Columbus was a letter dated August 9th, 1914.

THE CORONER: Let me interrupt, these methods of inspection also pertained to the Eastland? A. Yes, sir.

THE WITNESS: In the same service exactly, perhaps I might better read that letter and get it exactly.

THE CORONER: If it pertains to the subject matter that we are investigating, you may read.

THE WITNESS: This was written at the National Hotel, Washington, D. C., August 9th, 1914, addressed to the Honorable William C. Redfield, Secretary of Commerce, Washington, D. C. "With reference to the statement which I am preparing for your consideration relative to the steamboat inspection service on the great lakes, a matter came to my attention recently, about which you may desire immediate information. One week ago Saturday, August 1st, to be exact, I was on board the Steamer Christopher Columbus as a passenger from Chicago to Milwaukee, I noticed that of every one of her eight gangways, that not one of them can be closed quickly in event of accident, or can be closed properly in the condition that they were in on that day. In view of the fact that most of the compartments of this vessel are open on the main deck to which these gangways lead, this is a case of criminal neglect. If through some temporary stoppage of her engines during bad weather she got into the trough of the sea in the event of calamity, she would fill herself through her open ports. I imagine them to be something like six feet square. Of her 50 or 60 port holes some of them are entirely plugged, and others are filled with rust and paint. It is plain to be seen that they have been in this condition for some time, yet the inspectors appear to have paid no attention to it. It is of course undermining not to notify the deck crew. May I suggest that instructions be issued to the inspector at Chicago where the vessel lays over night to go on board

without notice to the crew or officers and order the gangways closed and made reasonably water tight by the crew and all bolts to be put in, the inspector to remain on the boat until the operation is completed and report just how long it takes to close all the water gangways that can be closed at all. From the two reports you will get startling information as to how carelessness and neglect have been permitted on the great lakes. It is possible, of course, that repairs may have been made since I was on board, but in that case such repairs will be apparent on the inspection. The vessel by the way, is licensed to carry 3,800.

Respectfully submitted,

V. A. OLANDER, Secretary."

THE WITNESS: On August 12th I received an acknowledgment of the letter stating that the matter will have the immediate attention of the Steamboat Inspection Service. I heard nothing further regarding it, until some time ago when I had occasion to go into the office of the Steamboat Inspection Service here in Chicago with Mr. George Hargin, the president of the Chicago Firemen's Association. We went up there and talked to the inspector about something in relation to the fire boat and while there I mentioned this matter of the gangways, and one of the inspectors, I don't remember just which one it was, told me that there had been an investigation, or had been a test made and I said to him in substance, I can't remember the exact language, but I do clearly remember I said to him how long did it take to close these gangways and he said, well, something less than an hour, nearly an hour. I asked him how in the world did you do that in an hour, that when I was aboard I said how did you get the plugs out in an hour? You could not get the plugs out of the lower bolt holes in that time. He said what do you mean? I said when I was aboard the lower bolt holes in all of the gangways were plugged and had been plugged for a long time, because they were thickly covered with paint and several of the other bolt threads were plugged with rust, and in some instances the threads had evidently been torn out. We had some further talk over the matter and he said well, Capt. Wescott was down here, and I understood him to say at the time, he left the impression that Capt. Wescott had come down here to supervise the job, Capt. Wescott being the supervising inspector of this district. This inspector he told me at the time that they had only placed, put in place every fourth or fifth opening, that Capt. Wescott had then returned to Detroit, telling them to write to him stating how they had found this, and that they had reported that satisfactory to them. On Saturday morning, I was in the inspector's office, and just as I was about to leave, I met an Examiner reporter, he said he was from the Examiner here in Chicago and he asked me for an interview, and while I was talking to him, Inspector of Boilers Mr. Nockels came over and I referred to this case, and said to this reporter that I believe that if Capt. Wescott had not interferred with the local inspectors at Chicago, the department would probably have been informed of the true condition of these gangways, and the result would probably have been an investigation that might have resulted in something being done that would have prevented the Eastland disaster. Mr. Nockels says here, get this right, Capt. Wescott didn't interfere with this, he took the matter out of our hands. I felt that a very unfortunate occurrence. My experience as a sailor tells me that if a ship's side is water tight, as she keels over, she won't go over as fast as though the sides were open and water pouring into it to help her over. Just shortly before this I had been in consultation with the officers of the Chicago Federation of Labor, getting them to assist me and I to assist them in an effort to get an investigation of the Steamboat Inspection Service, because I had information in my files covering a number of years showing neglect of duty on the part of that service, and then afterwards the Chicago Federation had also had a committee at work, two years ago or three years previously, examining into the condition of the passenger ves-

sels, and they had submitted a report and that report had been sent to Congress on June 22d, I having been previously at Washington where he had attempted to aid in the inquiries of the department. Mr. E. N. Nockels, secretary of the Chicago Federation of Labor, wrote a letter to the department, which I believe to be of interest here.

Q. Mr. Nockels' letter pertains to the inspection of boats? A. Yes, sir.

THE WITNESS: Since I also have personal knowledge of the letter, I will read it.

THE WITNESS: "Chicago, Illinois, June 22nd, 1914. Mr. Edwin F. Sweet, Assistant Secretary, Department of Commerce, Washington, D. C. Probably you will recall some time ago we wrote you citing instances of violation of law permitted on steamboats by the United States Inspector's service, and replying thereto you stated the matter would be investigated. We also requested information in reference to the statement in our first communication that United States inspectors were taking orders from ship owners, but we have received no answer to our last communication, and inasmuch as the steamboat excursion season is now in full blast, our committee is anxious to report what the situation is pertaining to excursion boats out of this city. We believe that the condition of the excursion passenger steamers are already too unsafe, and this Federation as a matter of record in the event of any accident in the future, have registered a protest. For instance the Christopher Columbus is authorized to carry 3800 passengers, with the excuse that she runs but five miles from shore. That crowded condition, regardless of sufficient lifeboats or seamen, in the event of accident will have been the same, even if she were tied to the docks. This applies to the rest of the boats which are permitted to go out of here overcrowded. There is absolutely no comfort and about one-half the number of passengers allotted to each boat would mean safety, but nothing less than the cutting down of the passenger lists will lessen the danger, that Former President Mellen of the New Haven Railroad referred to the case, ————. The same applies to the case, as our committee has said, it seems that the United States Inspectors are more concerned of the vessel owners interest and support than the protest of the public.

Thanking you in advance for the information, if possible to do so, and awaiting a reply at your earliest convenience, we remain,

Most respectfully,

E. N. NOCKELS, Secretary."

THE WITNESS: A reply was received, and I can read that.

"Department of Commerce, office of the Secretary, Washington, D. C., June 27th 1914. Dear Sir:

"The Department is in receipt of your letter of June 22nd, 1914, in further reference to the condition alleged to exist on the Great Lakes, so far as the inspection and certification of passenger steamers of the Steamboat Inspection Service this Department is concerned only that the local inspectors properly handle it. You are informed that no reply was made of the last communication we received from you, which was dated May, 1914, was because in that communication you simply reiterated the statement which you made in your memo. under date of May 5th, 1914, and as you refer exclusively to your memo. of May 5, 1914, that the instance which you gave didn't prove the statement that the inspectors of the Steamboat Inspection Service had taken their orders from ship owners, it was not considered necessary to reply further to you in that premise. In this connection it may be stated that the matter of inspection and certification of passenger steamers on the great lakes has had and is still having the attention of this Department as heretofore, and if it is found that inspectors have erred, the necessary action will be taken to correct such errors. It may be mentioned that Sec. 4463 R. S. gives the local inspectors the author-

ity to specify the number and class of passengers for a ship, which action of the local inspectors is subject to appeal first to the Supervising Inspector of the district, then to the Supervising Inspector General. Sec. 4464 R. S. imposes upon the local inspector the authority and responsibility as to the number of passengers may safely carry, which responsibility cannot be evaded, and the Department is of the opinion that this responsibility must remain with the local inspectors; if the local inspectors err in their judgment as to officers or crew that should be carried, or the number of passengers that may be safely carried this condition can only be corrected when the discretionary power is taken from the local inspectors, and the legal limit of crew and passengers for the vessel will be fixed. Respectfully,

A. L. THURMAN."

Addressed to E. N. Nockels, Secretary of the Chicago Federation of Labor, Chicago, Illinois.

MR. OLANDER: As a further evidence of the method used by some of the inspectors and to give you some idea of the general conditions prevailing in the service, if I may, I would like to offer a statement regarding the question of manning.

CORONER: Yes.

WITNESS (reading): On April 16, 1914; this is a communication addressed to the Honorable William C. Redfield, Secretary of Commerce, under date of December 19, 1914, following an extensive correspondence that I had with the Department in an effort to get an investigation of the service. I pinned my faith in the Secretary of Commerce at the time, in his ability, thought his attention could be directed to the service and he would see to it that there was an investigation, and I believed the evils might be remedied, and I cited cases, and in these cases I cited one rather worse than the others in the manner of manning and the action of inspectors. I will read from that communication.

On April 26th, I called attention by letter to the manning entered on the inspection certificate on the passenger steamer Christopher Columbus, no seamen and five deck hands, regardless of the fact that the vessel should carry 21, and never less than 18 deck hands. The Department ignored my letter and I was informed by the Department on June 3rd, by letter, quite vigorously defending it.

Some time after I happened on the steamer in Chicago, and then discovered that on June 4th, after duly receiving his advice, the officer changed his estimate to 20 seamen in lieu of 5 deck hands. The Department never informed me that my charges had been sustained.

There are many other cases that require attention.

Then I go on and show what the changes are: The 1913 certificate shows the total deck and engine crews to be 25. The same Department in the 1914 certificate, shows a total of 52. The complete total will show, that the men, outside of the navigating crew, is the same in both instances, being 160 in both instances. The fact of the matter is that the number of men employed was the same in one instance as the other, and in 1913, the Department certified the vessel with half the regular crew, without incurring any penalty under the law. A new arrangement compels her to carry a regular crew, or a penalty for being short handed. The only other change is a requirement for carrying seamen instead of deck hands.

CORONER: Is this freight or passenger? A. That is a passenger vessel operating out of Chicago. I had charged previous to this, before the Committee on Merchant Marine and Fisheries at Washington, that this was being done; I charged that in the presence of the Manager or the President of the company, Mr. Goodrich, and suggested to the committee they could get proof of this by having Mr. Goodrich get the station bill, showing where the crew is

to be stationed in the event of an accident, and after the chairman of the committee got a copy of the inspection certificate I stated that the only possible reason I could see for that was that the inspector, certifying a smaller crew, was to enable the owner to evade the law.

There are a number of cases of that kind around the lakes. I originally began this particular effort due to losses in November, 1913, when in a gale of wind, twelve vessels were lost on the lakes with all on board, and a great many more were badly wrecked. They were freight vessels. I am, of course, interested in the sailors' lives as well. I have got an idea that a sailor's life is just as valuable as anybody elses.

THE CORONER: No question about that.

WITNESS: The same service covers the whole thing. The inspector who inspects the passenger vessel inspects the freight vessel.

And when this disaster took place, I waited to see if the inspection service would comply with its own rule which required an investigation. Then I wrote to every inspection office on the great lakes asking whether they had made such an investigation; the reply was that they had not held such an investigation. I then wrote the supervisors asking if they had held such an investigation. Supervisor Westcott, I believe, stated that the disaster was an act of God and there was no need to investigate it.

I then wrote to the supervisor general, calling his attention to the failure to investigate it, and then presented all this correspondence to the Secretary of Commerce. I have been unfortunate in that I have been unable to attract his attention to what I have written, to get him to seriously consider it, and the conditions I have explained, one very particular provision for enabling the men to write home when the ship was about to sink with all hands. I haven't been able to obtain any action. I am in the hope that the publicity of this will help to prevent accidents.

CORONER: Do any of the jurors desire to ask any questions?

JUROR: I would like to ask Mr. Olander if he knows how the Government determines the number of passengers to allow on the boat, particularly the Eastland, and how they would increase the passenger limit from 2,200 to 2,500, by the addition of a few rafts? How do they determine, first, the number of passengers to be carried on boats, such as the Eastland? A. The only thing I ever heard in regard to that was that there is some kind of a rule; that certain testimony was given by the supervisor general of the service before the Committee on Merchant Marine and Fisheries, as to what he believed to be sufficient space, as to how the number may be determined. I have got a copy of the testimony here and it won't take a minute to read it.

CORONER: What prompted the juror to ask this question? The evidence indicates that in July, 1915, the maximum number of passengers allowed the Steamer Eastland was 2,250; in July, a supplementary certificate allowed them to carry 2,570, because there had been placed on the boat four life rafts.

WITNESS: In reply to the question of the juror, I want to say in all seriousness, the only thing I have been able to discover that really determines that was a desire of the ship owner.

CORONER: I know that may be their desire, but if our Government has a law that permits that to remain in the discretion of the local inspectors, it is wrong.

WITNESS: I think that is decidedly wrong. I am hoping that those whose lives were lost in the river, that those lives will bring about some change that will prevent such a disaster in the future. Representing my union, I have spent many a year trying to prove these kind of things. I have called attention to the danger of these things, time and time again. If it is not out of place right here, Mr. Coroner, I might suggest that it might be in the interests of humanity to ask the officers of the Department of

Commerce, in view of this disaster and this talk of the possibility that she had no water ballast to keep her from capsizing, to ask them if they have asked the inspectors if there are other vessels in that condition. There are quite a number of vessels that carry more than 3,000 people, and in the interest of public service, I think such a suggestion to the committee might be well.

CORONER: Do any of the jurors want to ask any questions?

JUROR: Do you know, Mr. Olander, if the Government at any time inspects the vessel as to its stability? A. No, I don't know. I never heard of such an inspection, but there was a rule adopted a few years ago to file a copy of the plans of the vessel on first inspection; that would help the inspector out some. I don't know if the plans have been approved.

Q. When did that become a law? A. That became a rule adopted by the Board of Government Inspectors, to which Congress has delegated great power. I think they adopted that in 1911.

Q. In 1911? A. In 1911. At about the same time, or shortly afterward, they put in a provision that the rules promulgated by the American Bureau of Shipping may be accepted.

Q. Besides that, you never heard of any other? A. No, sir. Let me remark, please, my information regarding the American Bureau of Shipping is that it is a private corporation.

JUROR: Another question. The license permitting 2,500 passengers contemplated carrying only those passengers within the five-mile limit? A. That could not be possible this year because she crosses the lake.

MR. HOYNE: That isn't so. You have in mind the previous license granted to the Eastland when she was operating out of Columbus, namely 650.

WITNESS: The Christopher Columbus has had a general excursion permit for 2,500; on this particular vessel, 1,400.

JUROR: Then I misunderstood the reading of this permit.

MR. HOYNE: The old one of the Eastland, when it traveled from Cleveland, it was allowed a capacity of 653, but it could also carry 2,000 provided it kept within three miles of shore. He just happened to read to you that the Christopher Columbus operated under conditions similar to that, but the present certificate gave it a general capacity of 2,270. So it could carry that limit wherever they saw fit.

Q. (By Juror): If you made a study of that, how would you go about making an investigation or getting information to see that they are carrying that properly? A. Well, I am not sufficient of an engineer.

Q. It would be a matter of stability? A. Yes, sir.

Q. Would you call in a naval architect? A. Yes, sir, to find out how much living weight she could carry without the vessel capsizing.

Q. It would necessitate a full set of plans and drawings?——

Q. (By Juror): So far as you know of the Government inspection service, it covers the number of the crew or is suppoesd to cover the number of the crew, and the inspection of the boilers, and the strength of the different parts of the hull, the inspection of the equipment of the boat with life boats and rafts and life preservers; it does not embrace the examination or calculation of stability? A. I am not prepared to say that isn't done anywhere; so far as they follow the law, they may have inspectors who do that.

Q. But you don't know it? A. No, sir.

WITNESS: In regard to the number of passengers to be carried, I will read this: From a hearing before the Committee on Merchant Marine and Fisheries at Washington, D. C., dated March 12, 1914, and the hearing was on the Seaman's Bill; I will read a few lines here:

"Mr. Mannihan: Do you think a vessel of the size of the Christopher Columbus could take care of 3,000 passengers?"

"Mr. Uhler: If she had deck space enough, yes."

"Mr. Mannihan: Do you think a vessel could safely take up this deck space, eight square feet per passenger, with safety to the passengers?"

"Mr. Uhler: I think so, yes."

WITNESS: I believe in another part of this, he makes a slight change by saying eight or nine feet.

CORONER: Any further questions from the jurors?

Q. (By Mr. Hoyne): We were told by Mr. Wood this afternoon that some way or other, I don't know whether he said generally or only in certain inspection bureaus, the Government either furnished rules or charts or some form of inspection, and told them to make the deck space test for arriving at the proper capacity of the boat—I wouldn't attempt to quote his testimony.

CORONER: What did you say, Mr. Wood?

MR. WOOD: In searching the United States Government inspection rules to find out what clear deck space they allowed per passenger for the purpose of carrying a number of passengers, I couldn't find out. I went to the local steamboat inspection office and asked Captain Mansfield if he had any books in his office that would show a rule. He said he hadn't. I said, "You have some rule?" He said, "We have adopted a rule of nine square feet deck space per passenger, and the inspector signs that by writing on the covers in ink, 'nine square feet deck space allowed per passenger.'" He also stated in regard to the weight that they allowed on the average 150 pounds a passenger.

Q. (By Juror): How does that connect with the stability of the vessel? A. It has no relation to the stability at all.

Q. It is simply a breathing space? A. Yes.

Q. (By Juror): What do you mean by nine square feet; 9 by 9 or 3 by 3? A. 3 by 3, 9 square feet.

CORONER: Mr. Allen, your question put to Mr. Wood and his answer stating that has nothing to do regarding the stability of the boat, that looks rather clear to me as a layman.

JUROR: That is just the point, that the Government inspection bureau does not take the plans and see that all the life guards and all the crews are properly made up.

CORONER: If the boat had no stability, why should a rule of nine square feet apply?

MR. WOOD: That is simply a rule. It has no connection. That vessel might be 20 foot draft or might be three foot draft and still have the same deck space.

FREDERICK W. WILLARD,

called as a witness, after having been first duly sworn, was examined and testified as follows:

Q. What is your full name, sir? A. Frederick W. Willard.

Q. How do you spell it? A. W-i-l-l-a-r-d.

Q. Your residence? A. 506 North Elmwood avenue, Oak Park, Illinois.

Q. Your occupation? A. Chemical engineer.

Q. Employed where? A. Western Electric Company.

Q. Did you attend the picnic on the Steamer Eastland ? A. I did.

Q. Or the proposed picnic? A. I was on board the Steamer Eastland.

Q. Were you a member of the committee that made arrangements for the picnic? A. I was not.

Q. What time did you arrive at the dock at Clark street and South Water street Saturday last, July 24th? A. I cannot tell you precisely, because I did not look at my watch.

Q. Approximately? A. Oh, approximately, seven-fifteen.

Q. Well, were you there when the vessel turned over on its side? A. Yes, sir.

Q. You will kindly tell the jury and the Coroner and the State's Attorney what you observed at that time. A. As I have stated, I arrived at the boat about seven-fifteen and went on board immediately. Entering the lower cabin about a middle position of the cabin, in front of the stairway there I remained conversing with some of my friends. While I was conversing with those friends I inquired for the purser, having a letter from the chairman of the committee to the purser. I was informed that he was taking tickets and could not be seen until after the boat had been loaded, so I remained in that position approximately until they started to pull in the gang plank. After the gang plank was pulled in, I stepped up to the purser near the door entrance to the cabin in the gangway on the starboard side, I believe the starboard side is the side towards the dock.

THE CORONER: The building, yes.

THE WITNESS: And I communicated with him, I had a communication which was merely a letter from the chairman of the committee on arrangements telling the purser that I would be on board that boat going to the picnic and that he would request him that he do not give out any staterooms to any passengers on the boat without my approval. That was the substance of the letter. I handed the purser that letter and he signified that he would comply with it, and in fact if I remember correctly he stated they had no staterooms on board the boat. At the same time a member of one of the committee in charge of the official photographers for the picnic approached me asking me if I could arrange with the purser for the accommodation of the cameras instead of having them scattered over the boat. I asked the purser about this, and he said he would see what he could do. So he and this gentleman the gentleman of this sub-committee proceeded forward towards the baggage room, I believe the baggage room is just forward of the starboard, just forward of the starboard side, at any rate, they went in that direction the starboard side. Immediately thereafter I observed a very decided list. I had observed no list prior.

THE CORONER: That was about what time, how much time elapsed from seven-fifteen? A. I can only estimate.

THE CORONER: As near as you can. A. You mean from the time I went on the boat?

Q. You say you went on the boat at seven-fifteen, how much time? A. Approximately, I believe not to exceed ten minutes thereafter, as I stated I observed a very strong list, I had not observed a list previous to that time. Just about that time someone called out, I don't know whether an officer of the boat, a petty officer, or some of the passengers, but someone called out to the passengers to get to the starboard side, the upper side, and they did, but there was no panic. Scarcely had they crowded to that side when instantly I was pushed along with the crowd, scarcely had they crowded to the side when the water began coming in the open gangway on the port side.

Q. The open gangway, what floor? A. On the same floor, I did not go above the first deck.

Q. That was the main floor? A. I don't know what they call it.

Q. She had tipped over far enough, listed far enough to permit the water to pour in? A. To permit the water to pour in, yes, sir.

Q. What angle did that put the floor on where you were standing? It must have been quite sloping? A. I would not wish to estimate that, Mr. Coroner.

Q. Was it so you could stand? A. I could stand; I could stand.

Q. With difficulty? A. With some difficulty, but the crowd was

holding me, so that it would have been difficult for me to ascertain. Things were happening very quickly at that time.

Q. You saw the water pour in through holes? A. I saw it was pouring in over the top of the doorway. I believe those doorways are in two sections, an upper and a lower, although I am not positive, but I am positive that I saw the water coming in there. At that time I was directly in the doorway on the starboard side, the doorway of the cabin partition which is six or eight feet perhaps, I can't tell, from the hull of the boat, the outside doorway. I was standing directly there and the thing tipped over quickly and I reached up and the first thing my hand caught was the steering cable, I believe it was a long steel cable running alongside of the doorway. I secured a hold in one hand and the boat went over quickly and left me on the top of the doorway holding on with one hand.

Q. How did you get out? A. I was pulled out later on by people on the side of the boat.

Q. How long after? A. I can't tell you exactly. I was very busy for quite a while there. There was at least ten people in the water right below me, and I assisted in removing those ten people before I was taken up to the side of the boat; they were all removed and hauled up with ropes before I was taken up. It may have been ten minutes and it may have been 30, I cannot testify.

THE CORONER: Any of the jurors wish to ask any questions?

A JUROR: Why did you go on the Eastland? A. Sir?

Q. Why did you go on the Eastland? A. Why did I go on the Eastland? I had planned on going originally on the early boat and had attempted to get down there in time to get on the Eastland. But just a few days before the picnic the chairman of this arrangement committee for the employes asked me if I would go on the Eastland with the letter to the purser, and to act in the capacity as I described in my previous testimony, and I told him yes that I would, as far as I could see it coincided with the original plans.

Q. You were not in charge of the Eastland crowd, except to the extent to the sending in this letter and helping to carry out its provision? A. It was given to me for the purpose of having someone there who would prevent there being any disorderly conduct.

Q. Were you on the ticket committee? A. I was not.

Q. Do you know anything about the selling of tickets, whether a prize was given for selling a large number of tickets? A. I know nothing directly, first hand knowledge.

Q. Have you any knowledge about it? A. I never heard there was anything done of that kind.

Q. Have you heard that any punishment was visited on anyone, that was visited on anybody that did not go? A. I have not heard of any punishment that was visited on anyone.

Q. You have seen the statements in the newspapers to that effect? A. I have.

Q. Do you know any foundation for any of those statements? A. I only know no foundation, but I personally believe them to be entirely and absolutely false.

A JUROR: Was the control of the picnic in the hands of the company at all in any way, manner, shape or form, at all? A. The control of the picnic was in the hands of a committee of employes.

Q. Not controlled by the officers of the company? A. Not controlled by the officers of the company.

Q. An absolutely independent proposition? A. So far as I know, yes, sir.

Q. It had the sanction of the employers, they give a day off? A. The officers of the company—I don't know this officially, positive, I presume they sanctioned it, at least they give the time off.

Q. They did not dock you for the time you were away? A. I cannot say positively whether they were docked or not. I know a portion are not. I can't testify on that point because that work is handled in another part of the organization.

A JUROR: Did they appoint men to take charge of the different boats? A. I can't positively testify on that point. I presume that they did. I can't say that positively. That is in the same capacity that I was requested to act.

Q. The capacity of these boats generally heralded to the clubs? A. The capacity of the boats?

Q. The loading capacity? A. The loading capacity; I have never seen any statement published to that effect.

THE CORONER: Doctor, might you ask him about the condition of the passengers, the crowded condition, as to the crowdedness—how many?

A JUROR: What?

Q. About the condition of the passengers, as to the crowdedness—how many were up on the roof?

A JUROR: You went in right there at the purser's office. A. Yes, sir.

Q. You never got far away from the purser's office? A. I never get more than three or four feet the other side of the stairway, toward either side.

Q. You did not go up at all? A. I did not go up at all.

Q. You have no information as to the condition above that? A. I have no information as to the condition above that.

Q. The only particular movement of the passengers that you noticed was this movement over toward the dock? A. Yes, sir.

Q. Did you not hear of their running over on the other side for any purpose? A. I did not.

Q. There was no boat passing that attracted their attention and caused them to rush there? A. That I could not say, I did not see.

Q. You have no information? A. I have no information.

Q. The only running you saw was toward the other side, after some one requested them? A. After some one requested them.

A JUROR: Did you hear the excitement caused by the icebox shifting? A. I did not. I did not hear it. I was told about it afterward.

THE CORONER: Did you see the majority of the passengers on the floor you were on or on the port side or outside? A. At what time?

Q. Just prior to this listing? A. No, I think they were rather uniformly distributed.

Q. You think they were? A. As is customary, the petty officers were requesting the people as they entered to go above, and most that came in were going up the stairway.

THE CORONER: Any further questions?

A JUROR: The boat was very crowded in your section, where you were? A. At this point?

Q. Yes? A. It was not seriously crowded. There was room to walk about, there was elbow room.

Q. That is all.

THE CORONER: Thank you very kindly. This inquest will adjourn to meet at 10 o'clock to-morrow morning.

Adjourned to Wediesday, July 28th, 1915, at 10 o'clock a. m.

JAMES RYAN,

called as a witness, having been first duly sworn, was examined by the deputy coroner and testified as follows:

Q. What is your name and address? A. James Ryan, 3539 Colorado avenue.

Q. What is your occupation? A. Bridge tender.

Q. Who are you employed by—the City of Chicago? A. City of Chicago.

Q. Where are you located? A. Rush, State and Clark.

Q. Where were you working on the morning of the 24th of July? A. Clark street bridge.

Q. Please tell the jury briefly, without too much detail, what you saw and know about the accident that morning to the Steamer Eastland? A. About 7:15 I noticed she was listing to the river side. I mentioned it to the police officer, James Farrell. While we were talking some man I don't know came into the conversation and said they regulated it with water ballast and there was nothing to that list. I didn't pay any more attention to it and walked on away to the center of the bridge, and soon I seen her going over more. She went until she was below her discharge pipe, as I call the condensers, and then she went back probably a foot to a starboard list; then she stopped and went again to port, and probably two minutes more and she was over completely on her side.

Q. How many people were on the boat? A. It was crowded; I don't know how many.

Q. Were there many on the hurricane deck? A. Both decks looked crowded.

Q. Did you hear the Captain or any officer of the boat give any orders? A. No. I seen the Captain; he started south, looking at the dock.

Q. Were the lines extended from the Kenosha to the Eastland at the time? A. They were extended, but slack.

Q. Was the tug under way? A. It was manipulating, but the lines were slack.

Q. (By Juror): Did you see the rear of the boat just before it went over? A. No, sir. I was probably 75 feet from the boat looking from the rear end.

Q. You didn't see whether the lines were cast off? A. No, sir.

DEPUTY: That will be all.

FRED G. SNOW,

called as a witness, having been first duly sworn, was examined by the deputy coroner and testified as follows:

Q. What is your name and address? A. Fred G. Snow.

Q. Where do you live. A. 405 North Gaylord avenue.

Q. Your occupation? A. Engineering—marine.

Q. Were you employed on the Steamer Eastland? A. Yes, sir.

Q. In what capacity? A. Second assistant engineer.

Q. You were on duty on the boat at the time of the accident? A. Yes, sir.

Q. What time did you go on duty? A. I cannot say positively.

Q. You was not on duty during the night? A. No, sir.

Q. Early in the morning? A. Some time after 6 o'clock.

Q. What was the condition of the water ballast tanks when you came on duty; were they empty or loaded? A. I think they were empty.

Q. You don't know. A. I don't know.

DEPUTY—Mr. Sullivan may ask you some questions.

Q. (By Mr. Sullivan): What were your hours of duty on that particular watch? A. From 6 until 12, approximately.

Q. You had charge of the engines and machinery on your watch? A. Only in one way.

Q. If the Chief wasn't on duty you were in supreme control of the engines and machinery? A. Yes, sir.

Q. Was the Chief on duty when you came on that morning? A. You mean was he in the engine-room?

Q. Yes? A. He wasn't in the engine-room.

Q. Was he asleep? A. No, sir.

Q. Where was he? A. He and I were at the table, eating together.

Q. I am talking of when you were in the engine-room, were you in charge or did the chief come with you? A. The Chief came along a very few minutes after.

Q. And you and he were there all the time after that? A. Yes, sir.

Q. What were you doing? A. Watching our watch.

Q. What particular work were you doing? A. Tending to the water ballast and air pumps.

Q. Who was looking after the water ballast? A. Well, we all were.

Q. What were you doing in that connection, yourself? A. Well, watching the indicator, or tell-tale, as we call it.

Q. What did it show? A. It showed various things at various times.

Q. Come along, and tell us all about it? A. As the boat listed, one of the tell-tales indicated.

MR. SULLIVAN: Let's go back a little further.

Q. At any time that morning were the ballast tanks empty? A. I cannot say whether they were or not.

Q. Is there anything on those tanks that would indicate in the engine-room what the amount of water is in them? A. No, sir, not to my knowledge.

Q. In the morning, when you came on watch, you don't know whether any of the tanks were full or not on either side? A. I couldn't, yes, sir.

Q. Whose duty is it to see to it if they are full or empty; it is your duty, is it not? A. And the engineer, yes, sir.

Q. How do you determine whether there is any water in the ballast tanks on the shore or water side of the boat; must the boat list first before you can tell whether there is any water in either of them? A. The customary way was to pump the tanks all empty, and then you knew.

Q. When was that done? A. I don't know.

Q. When did you put that custom into practice? A. I couldn't say; I have been there only two days.

Q. How long were you employed on the boat? A. Only two days.

Q. You went to work Thursday? A. Wednesday night.

Q. Who hired you, the Chief Engineer? A. Yes, sir.

Q. What experience have you had? A. About ten years.

Q. On the lakes? A. Yes, sir.

Q. Did you work for this company before? A. No, sir.

Q. What companies were you employed by? A. The Pere Marquette Railroad Company.

Q. Did the boats you worked on use water ballast? A. They used water ballast, but not this type of tanks.

Q. What type of tanks did she use? A. Used the aft compartment.

Q. Were they filled in the same manner as the Eastland tanks? A. Yes, sir.

Q. Did you fill or empty the Eastland tanks on Thursday or Friday? A. At various times.

Q. How many? A. I couldn't state.

Q. About how many? A. I couldn't state.

Q. Once? A. Yes.

Q. Ten times? A. Well, I couldn't say.

Q. You couldn't say? A. No.

Q. You are not familiar with these tanks or the method of filling or emptying them; all you did was to put the pumps to work as the occasion required? A. As the occasion required.

Q. Do you know how many tanks they had? A. Yes, sir.

Q. How many did they have on each side? A. I think five on each side.

Q. How many did you use on each side in balancing the boat? A. I think two in all.

Q. Two on each side? A. Yes, I think that.

Q. Where were they located? A. Well, usually— No. 2 and No. 3 was the tanks usually used.

Q. Two or three on each side? A. Yes, sir.

Q. Who told you that? A. The engineer.

Q. The Chief Engineer? A. Yes, sir.

Q. Why did you limit it to the two tanks when you had five on each side? A. Apparently they were the most effective and responded the quickest; that was the reason given me.

Q. That was the reason the Chief Engineer gave you; told you to trim the water in tanks 2 and 3 on each side? A. Yes, sir.

Q. And you paid no attention to No. 1, No. 4 and No. 5? A. No, sir.

Q. Did you ask him why you generally used No. 2 and No. 3? A. No, sir.

Q. On the morning in question they didn't seem to respond at all? A. They did, yes, sir.

Q. If they responded properly the boat would have recovered and rested on an even keel, wouldn't it; that's what the tanks are there for? No response.

Q. What's the matter; why don't you answer the question? A. Well, I don't understand what you refer to. They did respond once, or possibly more times, so far as the response is concerned.

Q. The testimony here is that when the boat started to list to the river side you were about 17 minutes trying to get her back on even keel, and she never came back. What this jury wants to know is what you did to try to bring her back; tell the jury that. A. We admitted water in the starboard tanks and also was pumping out the port bilge aft.

Q. Go ahead and tell us what more you did. A. That's all we did.

Q. When did you commence to pump the water into the starboard tanks? A. As I remember, when she started listing to port we started putting water in the starboard side.

Q. How long was that before she went over? A. I couldn't say.

Q. (By juror): How were those tanks filled? A. By gravity.

Q. What kind of a valve is used; in other words, where was the water taken from the outside? A. Through a sea-cock.

Q. Did that sea-cock come to a kind of gutter? A. Yes, sir, a manifold, we call it.

Q. Did you have more than one sea-cock? A. No, sir.

Q. Was there one on one side and one on the other? A. No, sir.

Q. On which side was the sea-cock? A. On the port side.

Q. On the river side? A. Yes, sir.

Q. What kind of a pump did you use in case you wished to pump out the tank; was it a direct-acting pump; how did you empty the tank? A. With a duplex.

Q. Was that also connected to the manifold? A. Yes, sir.

Q. So when you wished to empty any particular tank the manifold was closed up and that discharged where? A. Forward.

Q. On what side did it discharge? A. Starboard side.

Q. Starboard side? A. Yes, sir.

Q. Were the pipes connected to these tanks painted different from the other pipes; in other words, how did you distinguish them? A. They were marked above the valves.

Q. To tell which tank water discharged or suction? A. Yes, sir.

Q. (By Mr. Sullivan): How long would it take to empty the port tanks? A. I couldn't say.

Q. Haven't you any idea at all? A. No, sir.

Q. How long would it take you to fill the starboard tanks? A. I couldn't say.

Q. Couldn't you give a fairly accurate estimate? A. No, sir.

Q. If you wanted to fill the starboard tanks and straighten her up, could you empty the port tanks at the same time you were filling the starboard tanks? A. No, sir.

Q. What would be the process? A. Either one or the other.

Q. What did you do in this case? A. We admitted.

Q. Admitted the water into the starboard tanks? A. Yes, sir.

Q. Didn't you take— A. I just stated we were pumping out water with our bilge pump.

Q. So if you wanted to empty the port side and fill the starboard side, it couldn't be done; you would have to wait? A. Yes, sir.

Q. And you couldn't tell how long it would take to empty the port side? A. No, sir.

Q. (By Juror): Do you know the size of the pump? A. No, I don't know the size of the pump.

Q. Do you know the size of the tank? A. No, sir.

Q. Aren't you required, as an engineer, to know the size of the auxiliary engines on board the ship? A. No, sir.

Q. (By Mr. Sullivan): Didn't the Chief Engineer tell you all about these pumps, and the time it would take to empty and fill it? A. Not especially, at the time.

Q. What did he tell you? A. He told me, "We usually use 2 and 3 because they respond the quickest."

Q. Could you have used 1, 3 and 4 at the same time you were using 2 and 3? A. Yes, sir.

Q. So there was nothing lost when you didn't try to fill them, Nos. 1, 3 and 4? A. No. sir.

Q. (By Juror): You said those tanks responded quickly. When did you get the time to fill; did you have a tell-tale? A. Yes, sir.

Q. What was it, a gravimeter? A. Yes, sir.

Q. A narrow arrow? A. Yes, sir.

Q. And if she started to list you would fill the tanks? A. Yes, sir.

Q. Tell us the size of the sea-cock through which the water came. A. I can't tell the exact size.

Q. Do you know if it was large enough to admit a volume of water to fill all five tanks at the same time? A. No, not in my estimattion, judging from the size of it.

Q. Is that the reason you fill just two tanks, because the sea-cock would not admit enough; is that the reason? A. Yes, sir; I couldn't say, that's my opinion—one opinion.

Q. What's the other opinion? A. That the other tanks respond quicker.

Q. But you didn't know how long it would take to fill them? A. No. sir.

Q. Would you give us any opinion on that? A. No. sir.

Q. (By Mr. Barbour): When the water is admitted in the sea-cock, when tanks 2 and 3 are filled, the water goes into the other tanks provided the valves are open?

Q. (By Mr. Sullivan): In fact, the manifold valves were open on tanks 2 and 3 on both sides? A. Did you understand me to say that after the two were filled, the water would go in——

Q. Yes. A. No, sir, it would go in from the tanks at the same time; it would not fill 2 and 3 first.

Q. But you could fill the others; to do that, you would have to open the other valves? A. Yes, sir.

Q. But your engineer told you you got more effective work from the other tanks? A. Yes, sir.

Q. I think you said you never worked on a boat before that had the same system of pumps? A. The same system of tanks.

Q. Were you familiar with this system of tanks when you got on board the Eastland? A. Why, I understood——

Q. Did you get any instructions at all? A. The instructions I had from the chief engineer.

Q. And how long did he instruct you? A. As a matter of fact, he was instructing me at all times he was there with me.

Q. How much instruction did he give you before you took charge of your duties? A. Well, in regard to what do you mean?

Q. In regard to the tanks, how much instruction did you get before, with regard to operating the tanks, you took charge of the tanks? A. I was shown, and it was explained to me.

Q. How many minutes? A. A few minutes.

Q. Five minutes? A. I couldn't say.

Q. He told you just what you had to do? A. Yes, sir.

Q. Haven't you any idea how many minutes' explanation that was? A. Well, we talked that over in an ordinary conversation; I can't say how many minutes.

Q. Would it be more than five minutes? A. Possibly.

Q. Ten minutes? A. Possibly more.

Q. Ten—15 minutes, and then you took charge of the pumps? A. No, sir.

Q. After he gave you that explanation, you felt you were competent to work the pumps? A. Yes, sir.

Q. (By Mr. Sullivan): Did any Government official inspect these tanks, as far as you knw? A. No, sir, not that I know.

Q. Was this the way you handled that matter, when you started to load your boat on the starboard side, you filled these tanks on the starboard side, is that right? A. No, sir.

Q. Tell us, when you started to load passengers, how you handled your tanks? A. We handled them as the boat required, as she listed. If she listed to starboard, we filled the tanks on the opposite side; the tanks on the opposite side of the list were to be filled.

Q. Go ahead and tell us whether she listed to either side as you were taking on passengers; give us the movements of the boat. A. As I remember, she listed to starboard first, and——

Q. How much? A. I can't say the number of degrees; we have nothing to indicate the number of degrees it listed, and we admitted water to the port side.

Q. In tanks 2 and 3 on the port side? A. In tanks 2 and 3 on the port side. She listed first on starboard and we admitted water on the port side.

Q. You admitted that water on the port side yourself? A. I can't say who admitted it.

Q. You said you had charge. A. I seen the engineer myself and the oiler were all there. I couldn't say who opened and closed certain valves. We had everything to watch; we didn't keep track of who did it.

Q. (By Juror): How were the manifolds arranged; the sea-cock was on the port side and you came to the manifold department? A. Yes, sir.

Q. These valves are arranged in 1, 2, 3 order; as for the sea-cock—— Now the manifold for the pump that emptied these tanks was—— A. On the opposite end from the sea-cock.

Q. In other words, an extension of it? A. Yes, sir.

Q. And there was a flange in between the suction and the other—— A. No, sir.

Q. You had a pipe that would counter-balance it; did you have two valves for each tank? A. No, sir, only one valve.

Q. In other words, it wasn't possible to let water in the tank from one manifold and let it out the other at the same time? A. It was impossible.

Q. How far from the keel line do you estimate this sea valve is located; how many feet from the midship line? A. I couldn't say exactly, but possibly 12 or 15 feet.

Q. About the round of the bilge? A. Yes, sir.

Q. (By Mr. Korshak): Do you think a man is competent to manage the pumps in a big boat carrying 2,500 passengers, like the Eastland, if he doesn't know how fast the water can be taken in or out of the ballast tanks?

DEPUTY CORONER: Well, you are asking the witness an opinion there.

Q. Do you think it is necessary for a man to know, in order to properly control a boat containing 2,500 passengers—— A. No, sir, I don't think it is necessary.

Q. You don't think it is necessary to have that information? A. No, sir.

Q. (By Juror): What was the size of the sea valve or the pipe leading from the sea valve? A. I couldn't say the size.

Q. Was it 3, 4, 6 or 8 inch? A. It was possibly, as I remember, about 10 inches. I can't say.

Q. What were the sizes in the manifold? A. I never saw them; they are enclosed in the manifold.

Q. You don't know the size of the pipes that lead to the tanks? A. No, sir.

Q. (By Mr. Sullivan): Do you know the capacity of the tanks? A. No, sir.

Q. (By Mr. Hoyne): When that boat began loading on the morning of the 24th, was there any water in the tank on either side? A. I couldn't say.

Q. When was the last time you know of when the tanks were emptied? A. I couldn't say when they were emptied.

Q. Didn't you empty these tanks before you began loading the passengers? A. No, sir.

Q. Didn't you empty them the night before? A. No, sir.

Q. What time did you go on watch? A. Some time after 6 o'clock.

Q. How much water was pumped in there after you went on? A. Well, I don't remember how long the valve was left open; that's why I can't remember.

Q. Have you any idea whether the tanks were empty or not when you went on watch? A. I have an idea they were empty.

Q. Isn't it a fact that they were emptied in order to load the passengers more conveniently? A. I couldn't swear they were empty.

Q. How much higher was this dock than the regular dock you loaded from the day before? A. I can't say.

Q. Well, you saw that there is a difference? A. I couldn't say.

Q. When did you first go to work on Friday morning? A. Thursday night.

Q. Was there a night trip that night? A. No, sir.

Q. Was there a day trip the next morning? A. Yes, sir.

Q. Did you go out then on that trip? A. Yes, sir.

Q. Was Mr. Ericksen in charge of that trip? A. Yes, sir.

Q. How many hours were you out before it returned back to port again? A. We got back between 8:30 and 9 o'clock.

Q. And you and Mr. Ericksen had charge of the engineering of the boat? A. Yes, sir.

Q. Were you and Mr. Ericksen constantly on duty? A. No, sir.

Q. How many passengers did you carry? A. I don't know. You asked if Mr. Ericksen and I both served alternately; Mr. Ericksen and I were on, and I and my assistant served alternately.

Q. (By Mr. Sullivan): Did you ever work on any passenger boat before? A. I couldn't state the number of years.

MR. SULLIVAN: Let us try to boil it down quickly. Let us see if this wasn't the situation: When that boat came to the dock, passengers began to get on; you emptied all the tanks to bring the gang-plank to the dock; then she began to list and you put water in tanks 2 and 3, and you filled it? A. We put enough in to straighten the boat.

Q. Then when she began to list the other way, you had to overcome the amount of water you had in the port side, and you couldn't get the water out of the port side tanks so as to fill in the starboard side tanks? A. Well, except one—I don't know. When she started righting up, we pumped out one of the port tanks; when she got near even keel, we pumped out one of the port tanks.

Q. You don't know how many gallons were in it? A. No, sir.

Q. For all you know, it was a 10-gallon tank? A. No, sir.

Q. No one ever told you how many gallons the tank contained? A. No, sir.

Q. Did Ericksen tell you? A. No, sir.

Q. And you don't know how many gallons of water were contained in the tank? A. No, sir.

Q. (By Mr. Sullivan): That was your watch when the boat capsized? A. Yes, sir.

Q. (By Juror): What was the size of the discharge from the tank pump? A. I couldn't say.

Q. Wasn't it about the same size as the pipe leading from the sea-cock? A. I couldn't say.

Q. Do you know about how high above the water line the discharge pipe was? A. As I remember it, it was just about the after rail.

Q. Was that sea-cock used to admit water for the condensers or just for tank purposes? A. Just for tank purposes.

Q. About what position near the end of the ship was this manifold back of the midship section? A. The forward end of the engine room.

Q. Were you down in there when this went over? A. I wasn't down there when she went over.

Q. When did you get out of the engine room? A. I was down there when she was laying over, so when I got up on the steel deck, my feet were sliding from under me.

Q. Did you get out of the gangway? A. No, sir.

Q. Where did you get out? A. Between the battery of boilers there is a square opening.

Q. You got out on the starboard side? A. Yes, sir.

Q. (By Juror): What made you leave the engine room; did you think the boat was going to tip over? A. Yes, sir.

Q. What caused you to believe the boat would tip over? A. To save my life.

Q. What gave you that idea? A. Water was coming in the gangway, and all over.

Q. (By Juror): You didn't leave the engine room until the water was coming in the gangway? A. No, sir, I didn't.

Q. (By Mr. Sullivan): Where did the water come in? A. It came in.

Q. The gangway has an upper and lower portion; the lower portion was closed? A. Yes, sir.

Q. And she keeled over so far that the water came in through the upper part? A. Yes, sir.

Q. In other words, she shipped enough water, nothing could have saved her? A. Yes, sir.

Q. Was Ericksen down there when you started to leave? A. I didn't see him when I left. I didn't see anybody around when I left the engine room.

Q. (By Mr. Korshak): Were you the only man in control of the pumps while the boat was listing? A. No, sir., Mr. Ericksen was around there.

Q. (By Juror): Did you have any discussion while she wouldn't come up? A. No, sir.

Q. Notwithstanding you were 17 minutes in trying to get it up, and didn't discuss it? A. As I remember, when she was listed over possibly 10 degrees—I could state the exact degrees—she seemed to hesitate or stop, and as I remember, Mr. Ericksen came from the manifold and said, "I guess we got it." or "We are getting her." Anyway I took it for granted we were catching her.

DEPUTY: Do you think the keel was on the bottom? A. I couldn't say, not knowing the depth of the water.

Q. There was some fear, you were not going to get out? A. No, sir.

Q. It never occurred to you you were not going to get out? A. No, sir.

Q. You made the statement you couldn't fill the starboard and empty the port tanks at the same time? A. No, sir.

Q. Isn't it a fact you were working on emptying the port tanks? A. No, sir. I said we pumped out the port tanks when she listed to starboard; just about when she got to even keel.

Q. Did you pump it out? A. Yes, sir.

Q. How long did it take? A. I couldn't state.

Q. Had you started to fill the starboard tanks? No response.

Q. (By Juror): How did Mr. Ericksen come to say he thought we got her unless you were filling the starboard tanks? A. I said when the port tank went dry, we stopped the pump.

Q. Then did you commence to start filling the starboard tanks? A. As soon as the boat started to list to port.

Q. And then is when Mr. Ericksen said "I think we got her"? A. Just a few minutes after that.

Q. (By Juror): Didn't you say you emptied the port tank with the bilge pump? A. No, sir; the after port bilge with the bilge pump aft.

Q. (By Mr. Sullivan): Are there any passenger boats you know of where the sea-cocks trim—the machinery trims, pumps out any tanks on one side and fills the other simultaneously? A. I never worked on a boat of that kind, but I understand they have that system.

Q. Where did you get your license? A. At Grand Haven.

Q. When? A. Either in 1902 or 1903.

Q. What Government inspector? A. Thomas Honner and Henry Blocker.

Q. What boat did you first run on after you had your license? A. Mathew Wilson.

Q. What trade was she in? A. Lumber trade.

Q. How much tonnage? A. I don't remember.

Q. Small boat? A. Yes, sir.

Q. Did you ever work on a passenger boat that carried more than 300 people? A. Yes.

Q. Never worked on one had the capacity this one had or anything like it? A. I can't say as to the carrying capacity of the boat.

Q. You got an engineer's license under the present system that authorizes you to work on any kind of a boat on the lakes? A. Unless it is otherwise specified.

Q. Up to a certain tonnage? A. Yes, sir.

Q. Did your license authorize you to work on a boat of this tonnage? A. Yes, sir.

Q. Did you have your license with you when employed? A. Yes, sir.

Q. You showed it to the chief engineer? A. Yes, sir.

Q. How old are you? A. Past 33.

Q. (By Juror): Four or five minutes before the boat went over, did you think there was any special danger down there; were you nervous? A. No, sir.

Q. Up to the time she went over, you didn't see cause for alarm? A. No, sir.

DEPUTY CORONER: That's all, Mr. Snow.

MR. HOYNE: This is a preliminary statement. I received by mail this morning, from South Haven, a newspaper clipping purporting to be dated July 17th, 1904, and the heading is as follows: "Crowded Boat Careens in Midlake. Steamer Eastland Gives 2,142 Passengers Aboard a Bad Scare. Frantic Rush Made for Life Preservers. Inspector Mansfield Declares Vessel Was at No Time in Danger."

The article is as follows: "Thousands of passengers on the Steamer Eastland, bound from South Haven to this city, received a fright yesterday from which they will not recover for some time.

Five miles out of South Haven the boat listed heavily. There was a rush of passengers to the opposite side of the boat and the result following the movement of the frightened passengers was the boat listed more heavily.

There was a rush for the life preservers, and women began to scream, while many of them fainted.

The officers and crew of the boat managed to quiet the excited crowd and the boat got safely to her dock.

The passengers, on arriving in Chicago, indignantly declared they had a narrow escape because of the overcrowded condition of the steamer, while Manager Cochrane of the Michigan Steamship Company stated that the vessel listed because the passengers, in seeking shady places, all gathered one side of the steamer, and that when it listed they all ran in a body to the other, causing it to lean toward the other side, thus increasing the fright.

The Eastland left South Haven at 6 o'clock last evening, some time before its rival, the steamer City of South Haven. When five miles out, the passengers on the hurricane deck were startled to find that the boat was slowly listing to the port side, until the water appeared to overwhelm it. A few passengers on the lower deck declare that the water rushed through the openings, drenching them and driving them against the side of the vessel.

In an instant the throng, many of them women and children, screaming wildly, rushed to the other side of the steamer which within five seconds righted itself and then, overbalanced by the terrified crowd which assembled on the starboard side, listed once more.

A great cry went up and in spite of the protests of the captain, who endeavored to clear the upper decks, the panic-stricken people passed life-preservers among themselves, while others grasped chairs or anything that would float.

"For God's sake, captain," cried a man who appeared to be the coolest of the passengers, "why don't you turn the boat back, even if you think it is safe? Think of the women and children on board."

The captain, seeing that the passengers had abandoned the deck and the boat was righting itself, took the wheel, but instead of turning back to South Haven he proceeded toward Chicago.

Passengers on the steamer City of South Haven, which had by this time overtaken and passed the Eastland, which usually beats it, had ob-

served the decided list of the other steamer and the captain was urged to go to their assistance. As soon as the second list occurred the passengers pleaded with the captain to return to their aid.

But shortly after the Eastland was seen to right itself and to proceed safely, and the City of South Haven proceeded on her way.

"I will never forget the experience as long as I live." The passengers were almost beyond control.

"The steamer was so crowded that there were hundreds unable to find seats, and to that overcrowding I attribute the narrowly avoided disaster. When the boat listed I reached for a life preserver. It seemed that we must surely capsize. Even the crew were frightened, although they did not share in the panic. One woman near me wanted to jump overboard, and a man near me just grabbed her in time." O. Kierle, Kenton and Indiana avenue.

MR. HOYNE: Then I have statements from the other passengers as follows (reads):

"The steamer listed to one side without warning, and we could hear the water rushing in the hold. The passengers, mostly women and children, were in a panic instantly and rushed to the other side of the boat, and then it listed to that side. There was a terrifying sound of rushing water, and I reached for a life preserver, feeling sure that the end had come. Women fainted, men cursed and children screamed. It was terrible." H. H. Kenard, Sangamon street.

MR. HOYNE: Then there are the rest of these statements now, also statements I have printed from A. J. Friedman, 151 Johnson street, and Mandel Frankel, 259 Laflin street, George L. Lewis, 103 South Johnson street, and J. H. Smith, who is said to have been connected with J. V. Farwell, and H. Bonner, 635 Washington boulevard. Then here are the following official interviews: "There was no danger aboard the steamer Eastland yesterday and the boat was not overcrowded." This was the emphatic statement of Captain Mansfield, United States local inspector of the Chicago harbor, in an interview last night. "The Eastland carried a heavy water ballast, and when the ship entered South Haven the water ballast had to be let out because the harbor is so shallow. When she left port all the passengers rushed to the upper decks, and to one side of the boat, and of course, the water ballast being out, the boat tipped. I made the entire trip on the boat. The tickets showed that there was only 2,142 passengers on the boat, and its legal capacity by late measurements allows the boat to carry 3,300. There is not a safer boat on the lake. Of course, many passengers were asked to go down into the cabin so as to allow the boat to straighten. As soon as the sea-cocks took in the water to act as a ballast everything was in proper order. A few women fainted and several boys grabbed life preservers, but there was no need for serious alarm." "After an investigation I am satisfied that there was no danger aboard the Eastland yesterday, and, if the passengers were alarmed, it was needless, said W. H. Cochrane, traffic manager of the Michigan Steamship Company last night. The ship was not overcrowded, and there is not a safer boat on the lake. I cannot understand how the people could have become frightened under the circumstances. The purser showed good judgment in asking many passengers to step below until the necessary amount of water to ballast the boat was taken in. This required considerable time as we have only a four-inch pipe to draw water. We are doing everything in our power to insure safety of our passengers and are satisfied that the steamer Eastland is as safe a vessel as can be found anywhere on salt or fresh water. Captain Dority stated that there was not the slightest danger at any time except from the result of the panic among the passengers. He stated that the list of the boat was due to the filling of the water ballast compartments while running outside of South Haven, but the passengers in crowding on one side of the vessel,

was what listed the vessel the second time. The Eastland, the captain explains, carries a heavy water ballast, and on starting without it, he ordered the pumps set going to fill up the ballast compartments.

MR. HOYNE: I don't know whether the jury would want to call Captain Dority or Mr. Mansfield or not.

THE CORONER: Mr. State's Attorney, the date of that paper, and what paper is it?

MR. HOYNE: It is not stated here, it says, it was printed on the paper, July, 1904, but on the other side is Sunday, July 17th.

THE CORONER: You can't tell what paper it was?

MR. HOYNE: From that type—we didn't have a great many Sunday papers at that time, I don't think I could remember, I might get it.

THE CORONER: I can look it up. I will hand that clipping to my reporter so that he can get it in full detail into the record which he makes for the Coroner.

VOICE: It is from the Chicago American.

MR. HOYNE: It is the Sunday Chicago American.

THE CORONER: That is the date, the date you have.

MR. KORSHAK: Mr. Coroner, in this connection I want to say that I have a witness who saw the boat list while she was at the docks in South Haven some four or five years ago, and the only thing that prevented the boat from capsizing was that it was held up by the building right down there at the docks, and at that time, several passengers fell into the water, that were pulled out, do you think that would be——

THE CORONER: Bring them in, and we will interview the witnesses and see whether we want them or not.

MR. HOYNE: I want them anyway, whether he does or not.

DEPUTY CORONER KENNEDY: Sit down and be sworn.

PETER ERICSON,

a witness, being duly sworn, was examined by the deputy and testified as follows:

Q. Give your name and address to the jury. A. Peter Ericson, Christiania, Norway.

Q. Where do you live? A. Well, Christiania, Norway.

Q. Where do you live here in Chicago? A. I haven't got any.

Q. How long have you been living in this country? A. Twenty-six or twenty-seven months.

Q. And during that time where were you employed? A. I have been on the government dredge Meade.

Q. How long were you employed on the steamer Eastland? A. From the first day of April.

Q. Of this year? A. Yes, sir.

Q. What were your duties on the steamer, what business did you have there? A. Oiler.

Q. Oiler? A. Yes, sir.

Q. You were on the steamer last Saturday morning, July 24th? A. Yes, sir.

Q. What time did you go on the steamer that morning? A. I came on watch at six o'clock in the morning.

Q. And you were there at six o'clock? A. Yes, sir.

Q. What were your duties there as oiler? A. Well, I take care of the engine, oil up the engine, and see that she don't run hot.

Q. Under whose orders are you? A. The engineer's.

Q. What is his name? A. The Chief, and the second assistant.

Q. Did you have anything to do with the regulating of the tanks, the water ballast? A. No, sir, the engineer.

Q. Have you anything to do with him at all? A. Well, they told us once in a while to change the valves.

Q. Did you touch those valves on Saturday morning last? A. Yes, sir.

Q. You did touch the valves? A. Yes, sir.

Q. Kindly tell the jury, tell us, both the jury and the coroner, what you did to those valves? A. Well, we pumped her out, pumped out a couple of tanks in the morning.

Q. When, what time? A. Oh, about six, I had after six o'clock.

Q. How much water was there in those ballast tanks at six o'clock that morning. A. I don't know, sir.

Q. When did they start pumping out the water? A. About, after, a little bit after six o'clock, I think.

Q. After six o'clock you started to pump out the water? A. Yes, sir.

Q. Who put the water in? A. Well, it was in the night before.

Q. It was taken on during the night, was it not, and they were emptied in the morning. A. No, I don't hardly think so.

Q. Who told you to pump out the water? A. The engineer, he was right there.

Q. He informed you what to do. A. Well, I don't know.

Q. At six o'clock you say you were started to pump out some of the water? A. The engineer started the pump, and I opened the valves.

Q. On what side, the starboard side, or the port side? A. On both sides.

Q. Go ahead and tell us what you did there? R. That is all I did.

Q. How much water did you pump out? A. I don't know, I couldn't tell you.

Q. How long did the pumps go? A. I don't know.

Q. What valves did you open? A. I don't remember.

Q. To what compartments did those valves lead that you opened; were they on the starboard side, or on the port side? A. On both sides.

Q. All of them? A. Yes, sir, we pumped——

Q. Did you open all the valves on both the starboard and the port side? A. No, sir, we pumped out one tank at a time.

Q. How many tanks did you pump out altogether? A. About three or four, I think.

Q. On which—on what side? A. Two on each side.

Q. What did you do that for? A. I don't know, orders.

Q. From the engineer? A. Yes, sir.

Q. Were you there when the boat began to list? A. Yes, sir.

Q. What was the time that the boat began to list? A. I don't know.

Q. Did she list to the starboard or to port side? A. She listed a couple of times in the morning first.

Q. Which way? A. On the starboard and port.

Q. She listed both ways? A. Yes sir, and she came back so she was straight.

Q. What time was she straight? A. About seven fifteen, or something around there, I can't say, I didn't see the time.

Q. Where were you when she turned over, on what side? A. I was in the rush on the start, and I got orders, someone says she was hanging on the dock.

Q. What do you mean she was hanging on the dock? A. Well, down at Rush street, near Rush street where we used to lay many times, she tipped over, and the fenders held her.

Q. She tipped over many times, and the fenders held her, is that it? A. Yes, sir.

Q. Explain that to me? A. Well, you know, that she came over, you know a little bit, and those planks, or what do you call it, from the dock?

Q. The piling? A. The piling, yes, sir, will hold that ship on the side.

Q. You first saw her caught on there, was she caught there? A. Not when I got up there, I came to the midship gangway where the firemen used to stay, and that water, the water came into the portholes in the gangway on the side.

Q. When was that? A. When I came up to see if she was hanging on the dock.

Q. Was she hanging on the dock? A. I didn't see it, then she started to list on the——

Q. Was she hanging on the dock? A. Well, I didn't get time to see it.

Q. You didn't get that far? A. No.

Q. Then what happened? A. Then, so I heard a scream, and I went up the gangway the last time——

Q. Where was the water coming in, on what side, do you know? A. On the port side.

Q. On the port side? A. Yes, sir.

Q. Coming in what holes? A. The port holes, of the gangway.

Q. How much had she listed over, that is, towards the side, the port side? A. Well, I couldn't tell you.

Q. At what angle was she tipped over, very much? A. Yes, sir.

Q. Then about what condition was she in? A. I remember her; why I just go up and grab my hand on the deck, and get out the port gangway.

Q. Did you go upstairs, up on the next floor? A. No, I came up from the engine-room, up on the lower deck.

Q. From the engine-room to where? A. From the lower deck, and ran, where the firemen used to stay, in the gangways.

Q. Were there many people on the boat? A. I didn't see.

Q. You didn't see the people? A. No, sir.

Q. Did you open up all the valves on the instructions of the engineer, did you? A. Yes, sir, we never touched the valves yet.

Q. At the time the valves were opened, were they closed by anyone? A. I don't know, then I take care of my grease cups.

Q. About what time did you observe the water coming in the port holes? A. I don't know.

Q. You don't know what time? A. I don't know.

Q. You know it was Saturday morning, though? A. Yes, sir.

THE CORONER: Mr. State's Attorney.

MR. HOYNE: Q. Are you related to Ericson, the chief engineer? A. Yes, sir.

Q. What relation? A. A brother.

Q. How did you come to leave Norway? A. Well, I will like to go sailing, and my father, he wouldn't let me, and I wrote to my brother, and he had me over.

Q. Your brother sent for you? A. Yes, sir, well I wrote to him when I came over there.

Q. And how long have you been over here—about twenty-six months? A. About, yes, sir.

Q. How old are you? A. Nineteen years old.

Q. And you have been working on this Eastland since she started this season? A. Yes, sir, the first day of April.

Q. The first day? A. Yes, sir.

Q. Your brother is married to the daughter of the Government inspector over near your town? A. Yes, sir.

Q. Did you ever talk with the Government inspector, Reid? A. I seen him many times, but not since, for four or five weeks ago.

Q. Has he ridden on your boat this season? A. Ride, you mean?

Q. Yes. A. I don't know, I think he has, I wouldn't say for sure.

THE CORONER: Who gave you your job? A. The chief engineer.

Q. Did you have a letter from Mr. Reid recommending your appointment? A. No, sir.

JUROR: Who is the party that does the hiring?

THE CORONER: Who hired you, your brother? A. Yes, sir.

Q. Did he talk to Reid about it? A. I don't know.

MR. SULLIVAN: Isn't it a fact that every morning you and Snow serve on the same watch? A. Yes, sir.

Q. So that you work under Snow practically all the time? A. Yes, sir.

Q. Now, every morning you pump this water ballast, you pump those ballast tanks dry, don't you? A. Yes, sir.

Q. That was done every morning? A. Yes, sir.

Q. On whose orders? A. The engineer's orders.

Q. Which engineer? A. The chief or the second assistant.

Q. Who was the second assistant before Snow went to work there? A. It was Charley Silvernell, the second engineer's name.

Q. He is now first assistant? A. First assistant, yes, sir.

Q. And you got your orders from Silversnell your tender also? A. Yes, sir.

Q. And you assisted Silversnell's watch, when he was second assistant? A. Yes, sir.

Q. What causes were given as to why these tanks should be pumped dry every morning? A. I don't know.

Q. That is, you don't know why, you didn't ask why? A. No.

Q. What is your judgment as to why that was done? A. I don't know.

Q. Well, you are a sailor, don't you have a secret notion as to why that was done? A. I don't know nothing about it.

Q. Where was the boat on those mornings when you pumped the tanks dry? A. What do you mean by that.

Q. Where was the boat located during the time you were pumping the tanks dry? A. Oh, at Clark street.

Q. At your regular dock? A. No. Our regular dock is at Rush street.

Q. And every morning at Rush street, then, you would pump her dry, is that right? A. Yes, sir.

Q. And on this morning, Saturday morning, you pumped the tanks dry at Clark street dock? A. Yes, sir.

Q. What time did you finish pumping them? A. I don't know.

Q. On this morning, who told you to pump them, your brother or Snow. A. Both of them.

Q. Both of them? Tell us the construction of these tanks, how you filled them, and how you emptied them. A. Well, when we have water in the tanks, we used a bilge pump—

Q. What? A. A bilge, a ballast pump for pumping out, then when we want to fill these we open the sea-cock and let the water run in that side we want. That is all I know about it.

Q. How big an opening has this sea-cock? A. I don't know.

Q. Did you ever see it? A. Yes, sir.

Q. Have you any judgment as to how big it is, a foot wide, or six inches? A. I don't know.

Q. A foot across, or six inches, don't you know? A. (No response.)

Q. Where is it located? A. The sea-cock is on the port side of the boat, and the bilge tank is on the starboard side.

Q. How far down from the deck of the boat? A. It is right down there in the engine room.

Q. How far below the water line? A. I don't know.

THE CORONER: How many of those sea-cocks are there? A. I think there is five on each side.

Q. Did they all open separately? A. Well, they opened by hand.

Q. How, tell us how, you know more than you are telling; how did they open? A. Well, I get a valve about her, and I open by hand.

Q. How long did it take you to open five sea-cocks? A. I don't know.

Q. How long did it take you to open five sea-cocks? A. A couple of minutes.

Q. You have opened them many times? A. A couple of minutes.

Q. A couple of minutes? A. Yes, sir.

Q. How long did it take you Saturday morning to open those five sea-cocks? A. We have opened one at a time.

Q. How long did it take you on Saturday morning? A. Well, it take about one sea-cock, it wouldn't take more than fifteen or twenty seconds.

MR. SULLIVAN: Well—

JUROR: Do you start the circulating pumps, for the condensers? A. The air pumps?

Q. The air pumps? A. I don't know.

Q. You didn't turn over the main engine yourself? A. No, sir.

Q. What kind of a condenser, do you remember, what kind of condenser? A. The air pumps, that is all I know.

Q. Do you have condensers, and great big circulation tanks that are built, and air pumps to circulate through, is there a jet condenser, as they call them? A. I don't know.

Q. Were the air pumps started up, so the air pump ran? A. I don't know, he was to start them himself, all the time, I think the engineer started it in the morning, I never saw the air pump Saturday morning.

Q. How long were they running at that time? A. I don't know, sir.

Q. Who opened and shut the valves? A. When you got orders from the chief, from the engineers.

Q. Nobody did that but you? All the four oilers.

Q. You opened and shut the valves yourselves? A. Well, if the first is down there, they do it when they get orders.

Q. You first opened the tanks into the port tanks, is that right? You did that on that morning, did you? A. Well, we pumped her out, yes, sir.

Q. All right then after that, you would open the valves into the port tanks, when she listed to starboard? A. No, if she listed—— yes, sir, if she was going to list to the starboard, we open on the port side.

Q. It did list, you said a while ago, and you opened the valve to fill the port tanks that morning? A. No, I was down there when she pumped out, I never——I didn't open any valves when they filled her up.

Q. You didn't open any valves when she was filled up? A. No.

Q. You didn't have anything to do with it after she was pumped out? A. No, I wasn't around there.

Q. Do you think it was empty when the boat went over? A. I don't know.

Q. You don't know, you opened the tanks, in what condition were the tanks when the boat tipped, that is what the jurors want to know? A. The Chief Engineer opened number two and three, on the starboard side. What I saw was that the second assistant opened the sea-cock himself, that being, seven minutes anyhow.

Q. Seven minutes before she was tipping over? A. Yes, sir.

Q. The engineer opened two valves, two and three, on the starboard side? A. Yes, sir.

Q. And that was seven minutes before she tipped over? A. Yes, sir.

Q. How long would that be, do you know? A. It must have been six or seven minutes before she tipped over.

Q. Do you know if there was any water going into the starboard tanks; do you know anything about that?. A. No, I don't know anything; I don't think there was.

Q. That is about the time they commenced to fill the starboard tanks, about six or seven minutes before she went over? A. She was even before, she was straight before; then she came over a little bit; then they opened the valves on her.

Q. Do you know if they opened those valves to let the water into tanks two and three to the starboard? A. Yes, sir.

Q. Now, what happened to the boat, tell us how she acted; that is, tell us what—— A. Well, she went over pretty far, and then she stopped a little bit, and the engineer thought we had her; and the second assistant sent me up on deck to see if she was hanging on the dock, and then when I came up there, I didn't get time enough to come back, you see, and then she came over.

Q. The reason he sent you up there was to see if she was coming back? A. She stopped right there on the starboard.

Q. And you think because she wasn't coming back, that it might be hanging on the dock? A. Yes, sir.

Q. That is the point I want to get.

JUROR: And this engineer who told you, was the first? A. The second assistant.

Q. Mr. Snow? A. Snow, yes, sir.

Q. Do you ever remember of that boat hanging on the dock before? A. Yes, sir; pretty near always hanging on the dock at Rush street. Nearly every day she was hanging on the dock at Rush street, and we always watched her hanging there.

Q. What part of the boat hung on what part of the dock? A. Well, you know what, I don't know what they call it.

Q. The whale streak along the side? A. Along the side, hanging on the dock.

Q. On what part of the dock? A. Well, those piles.

Q. The timbers? A. Yes, sir; the timbers; yes, sir.

Q. You mean the whale streak would be over the tank so that it would raise it on that side where the whale streak was? A. Well, no; part of the deck is here, you know that, and they come off over the side about that wide from the boat, on there; here is the deck, while down here is the piles, and it might hang on that a little.

Q. Supposing this is the dock? A. Yes, sir.

Q. And this is the boat (indicating)? A. No, she wouldn't go that high.

MR. SULLIVAN: That part of the boat would be a little off the dock?

JUROR: Here is the dock, show us how that would go?

THE WITNESS: Here is that little that we have cut off; all over the boat side——

Q. The timber? A. Yes, sir; it might be back of some of the piles, some down here; then she hung on to——here is the dock.

THE CORONER: The boat would do that if the ropes were tied, wouldn't she, if the ropes were? A. I don't know.

Q. Wouldn't she do that now, you are a sailor; if the boat was pulled up too close, and the ropes were tied, she would catch there, wouldn't she? A. Yes, sir; I think she would.

Q. You have seen her catch there before, haven't you? A. Yes, sir.

Q. Where? A. On the side of the boat.

Q. You have seen the boat catch there? A. Yes, sir.

Q. How many times? A. Pretty near every day.

Q. Pretty near every day? A. Yes, sir.

Q. When the boat——when the boat caught that way, when she would do that, what would you do? A. We would tell the mates, and they fixed it up.

Q. Now then, did you ever see that boat caught in that way, and when it was released, it would list clear over to the port side? A. No, it wouldn't list over very far.

Q. It would have if it was heavily laden, wouldn't it? A. Yes, sir.

Q. Do you believe that on Saturday morning your boat may have been caught as you have designated here? A. I don't know.

Q. You couldn't get up to see? A. No.

Q. How much time elapsed from the time that you went to see whether the boat was caught on the dock until it tipped over onto its side? A. About a minute; a little bit over a minute.

Q. A minute? A. A minute.

Q. A minute? A. Yes, sir.

Q. What time, how long before that, when the first orders were given to you to open the cocks? A. About—— I didn't open the sea-cocks; I didn't even open any valves.

Q. You did before that? A. About six o'cock when they pumped out, the Chief Engineer opened them, opened two and three on the starboard.

Q. The boat had begun to list to the port side? A. I went away.

Q. Tell me whether the order that was given by the engineer and his assistant, were orders given in excitement; they were excited weren't they? A. I don't know; I didn't see.

Q. You were there? A. Yes, sir.

Q. You were all excited, weren't you? A. I didn't look on those fellows.

Q. You were excited; you were worried? A. We were used to the boat leaning over, and I never——

Q. You were used to the boat leaning over? A. Yes, sir; she always lists one way.

Q. She is always listing one way? A. Yes, sir.

Q. Which way is that? A. Well, either side.

Q. Did any one else give orders, did the Captain or his first or second assistant give—— while this was going on in the hull, that day; what orders did he give? A. His orders, do you mean; what orders do you mean?

Q. What orders did he give as to what you fellows were to do because of these conditions? A. We stayed right down there and watched that.

Q. What orders were given, what did he tell you, what orders? A. I stayed right down there, and the engineer opened that two and three, starboard, and the second assistant opened the sea-cocks.

Q. Any orders given by the engineer besides that? A. Yes, sir.

Q. What orders? A. He says to open those numbers two and three on the starboard, and the second assistant opened the sea-cock, and when she was straight then, then they opened two and three starboard sea-cocks, and she came over, and then the second assistant says to see if she was hanging on the dock, and that is all I know about it.

Q. When this second assistant opened the sea-cocks, the tanks were all empty, that was seven minutes before she went over? A. I don't know, I couldn't tell you.

Q. You couldn't?

MR. SULLIVAN: Why didn't the crew use tanks one and four and five on the starboard side, as well as two and three? A. I don't know.

Q. You noticed that those valves leading into one, four and five, were securely fastened, didn't you? A. Yes, sir.

Q. Securely fastened? A. Yes, sir, I think they was shut.

Q. They were shut? A. Yes, sir.

Q. So that you didn't—you never used them as a matter of fact? A. I don't know.

Q. As far as you know they were never used? A. Yes, sir.

Q. And that is true also of the port side tanks, one, four and five? A. Yes, sir.

Q. Were never used? A. Yes, sir, so far as I know.

Q. What is your explanation of that, why they wasn't used? A. Well, evidently you can trim the boat better with two and three.

Q. Well, how long could they trim her in? A. I don't know.

Q. You don't know? A. No.

Q. It is all Greek to you? A. What do you mean by that?

Q. Now, in your opinion on Saturday morning, if you had those five tanks on the port side filled up, it might have held that boat, might it not? A. If you had, what do you mean by those five tanks?

Q. On the starboard filled during that seven minutes' period there, you could have saved that boat, couldn't you? A. I don't know.

Q. What is your judgment as a sailor on it. Cut out that laughing business, this is no small affair. A. I don't know if they could hold her if it was.

Q. You don't know whether if the tanks on the starboard side were filled, filled to capacity, whether it would hold her or not? A. No.

Q. At any rate you had one or two of them working? A. Yes, sir.

MR. KORSHAK: Q. You don't know how much you had in those two even, do you? A. No.

Q. Did you ever hear that there was anything the matter with tanks one, four and five? A. I never heard anything about it.

Q. Did you ever try to fill those tanks when you couldn't do it, because of a stoppage on the outside? A. Fill those tanks up?

Q. The intake valve? A. Oh, I never——

Q. Did the intake valve ever refuse to work when you were trying to fill the ballast tanks? A. No, sir, not that I can remember.

Q. Now, when you got down off of that boat, Saturday morning, where did your business take you to? A. On Saturday afternoon, I went up to the courthouse.

Q. You have talked with your brother since that time about this matter, haven't you? A. Yes, sir.

Q. And what was said between you and your brother regarding this matter? A. Nothing.

Q. What was said between you and your brother regarding this matter, did he mention to you what you were to say if you were called upon to testify here? A. He told me to tell the truth.

Q. Who told you that? A. My brother.

Q. And what else did he say to you? A. I can't remember.

Q. What were you talking about, you were talking about this happening, were you not? A. Yes, sir.

Q. Well, go ahead and relate that conversation here. A. Well, he told me how he opened the valves.

Q. Just what he told you out there? A. I can't remember.

THE CORONER: Your memory isn't failing you, is it? Just give me the essence of what was said, the principal things. A. I would tell it, I can't remember.

Q. Well, what was said about the matter? A. I have not talked very much to anybody.

Q. Did your brother tell you what he thought made the boat tip over? A. He told me she might stand on the bottom, or too many people on one side, that is all he told me.

Q. When did he tell you that and where? A. I can't remember.

Q. Since you have been in public custody? A. Yes, sir.

Q. Was it yesterday or the day before? A. I can't remember.

Q. You don't remember? A. No, sir.

THE CORONER: I think these witnesses have been talking with one another, Mr. State's Attorney.

MR. SULLIVAN: Yes, Mr. Hoffman.

A JUROR: Did your brother tell you why you had to empty out the tanks in the morning before loading? A. No, sir.

Q. You know that they always did empty the tanks before taking any passengers? That is before the boat was ready to sail, some time before they started to load? A. They always emptied the tanks in the morning.

Q. Are the docks at the other ports that this vessel reaches, say at Rush street, are they higher or lower? A. No, sir.

Q. You don't know whether they are higher or lower? A. I don't know what you mean.

Q. At the docks where you land? A. Yes, sir.

Q. Are they higher here in Chicago than they are across the lake? A. I don't know.

Q. You don't know? A. No.

Q. How about it? You know the gangplank? A. Yes, I know the gangplank, I don't know, I could not tell you.

Q. Does the gangplank go up or down on the other side? A. If they are higher or the boat is?

THE CORONER: The juror wants to know when you pulled up to the dock, does your gangplank lean this way or come up (indicating). A. According to how high the boat is.

A JUROR: What was you going to say?

THE WITNESS: If how high the boat is, if they are high, she is.

Q. Now then, you generally empty the tanks and bring the gangplank up and make it level? A. Yes, sir.

Q. That is what it was for probably? A. Yes, I suppose it is for that.

THE CORONER: Anything else? Any of the jurors? That is all, Mr. Erickson.

(Witness excused.)

ADELBERT FISHER.

having been called as a witness, after having been first duly sworn, was examined by the Coroner and testified as follows:

THE CORONER: Your full name? A. Adelbert Fisher.

Q. Where do you live? A. St. Joseph, Michigan.

Q. What was your position on the steamer Eastland? A. First mate.

Q. How long have you served as first mate? A. You mean on the Eastland?

Q. On the Eastland, yes. A. Since the 12th of June.

Q. The 12th of June? A. 1915.

Q. What were your duties? A. My duties there were to stand my share of the watch on the bridge when in the lake and look after the cleaning of the boat, that is, the deck department and this equipment.

Q. What are your hours? A. Well, I am supposed to work from 12 o'clock midnight until six in the morning, and from noon until six in the evening.

Q. What is your salary? A. One hundred dollars a month.

Q. Who hired you? A. Mr. Hull, the manager.

Q. Have you any relatives that are employed on the boat? A. No, sir.

Q. Were you at your place of duty on Saturday morning last? A. I was, sir.

Q. What time did the passengers first begin to come on the boat? What hour Saturday morning? A. Well, I could not say positively, but I think somewhere around 6:30.

Q. 6:30? A. Yes, sir.

Q. Did they come very fast? A. Rather rapidly, yes, sir.

Q. I want you to tell the jury and State's Attorney and the Coroner what happened from 6:30 up to the time the boat turned over on its side, where you were stationed, as to the crowd, and what happened all the way along the line? A. Well, so far as the crowd is concerned, that is the taking on of passengers, I paid very little attention to that. That as a matter of fact was out of my line of duty. As I said before, my duty was to keep the boat clean and in sanitary condition, to stand my share of the watch on the bridge. One of my duties was, I was always stationed at the forward lines, both in leaving and making fast to the dock, so that morning I was standing forward near the tow line and forward lines waiting for orders from the captain. I never let go of a line or make fast a line until I get an order from the captain on the bridge. And that morning I—— of course you understand that regular watch does not always apply. That is, I am always most generally at my forward station at the forward lines whenever the boat is leaving or when we make fast, whether I am on my watch or not, so this morning I was around the boat as usual, the passengers were coming on the same as they always had and I went around to see that my deck department was in their places and I went forward on the promenade deck about—well, I should say 7:10 to 7:15, something like that, I stood there for a few minutes. The crowd, the boat was filling up and the boat listed a little bit to port, or left hand, which is generally usual, either one way or the other on most any steamboat that I was ever on, so that I paid no attention to it particularly, but about—— oh, I had been forward on that deck about five minutes I should judge when it began to rain, and my oilskin hat and coat was in the pilot house about fifteen feet away, so I stepped in the pilot house to get my coat and hat and put it on and I walked forward and the boat listed a little bit more than usual at that time.

Q. Toward port? A. To port, yes, sir. I kept a looking, divided my time when I was forward at that particular moment, I would look at the captain and look at the tug to see that the tug tow line, and he had thrown his line, the tug had thrown his line, the one he used to hold himself, he had had the tow line for some little time and he had thrown it off, and I was afraid he would pull on our boat; I did not want him to do that; in fact we had three lines forward, everything was just as the boat had been tied up. I kept watching him to see that he had no strain on the line, which I did not notice at any time and I kept a waiting, stood there for the captain to give the order to let go and as I stood there that particular time she listed a little bit more than usual and then I looked along her decks. You see, she listed about like this (indicating).

Q. What time was that? A. Well, I could not say exactly, but it was around 7:25, just a few minutes before this happened.

Q. Had all the passengers been loaded about that time? A. All the passengers had been loaded at that time, that is, I presume they had from the fact I seen them turn them away, they were going back to the Roosevelt.

Q. Go ahead. A. The boat listed like this (indicating) and in looking along I noticed she listed a little bit more than usual, and then suddenly she started to straighten up, she probably straightened up a matter of a foot or so and I thought she would go on back, of course, of course, the same as she always had or any other boat, and I looked down at my feet. There was somebody—I rolled or stumbled, I really stumbled as a matter of fact over a raincoat that was on the deck, when I straightened up the first I seen was the captain, and he shouted some order to the harbor-master, who stood on the dock, what that order was I could not say, but the harbor-master rushed aft and that was the time just shortly after he rushed aft as the time she took the final plunge over. When she took the plunge over I threw off the coat, the oilskin coat and the undercoat and grabbed a girl, in fact, this girl had taken hold of my arm and she hollered, "Save me," so I says, "All right." I grabbed her up in my arms and pulled her over the rail with me and we slid down at the anchor and that is the time she got over on beam. I believe that is as far as you wanted me to go.

Q. This all happened in what length of time? A. Oh, I should say approximately, ten minutes.

Q. What could the captain have done to prevent this boat from tipping over on its side? A. I could not say that he could have done anything.

Q. You have to do with the fastening of the boat, tying it to the dock and the moorings? A. I have, under orders.

Q. What result would there been if the boat was fastened too tight to the dock and a heavy load on it and it released suddenly, what would the result be? A. Well, I could not say as to that, we never tied a boat too tight.

Q. The evidence that has been given here shows that this boat was in the habit, or had been caught many times on the dock and it would have to be released. In this case an officer was sent, the engineer sent a boy up, one of his assistants, to see whether the boat was caught. Tell us about this boat catching on the dock or holding on the docks, as you term it? A. Well, along these docks there is usually stringers, eight by eight timbers and unless those stringers are protected by spring spiles up and down, the rail is liable to catch under these 8 by 8 timbers or on the top of it and as the case may be which ever way the water is, up or down. Well, now, I could not say that is to the result of that. She has caught sometimes. I have noticed she has been caught on there, when released she did not seem to make—— to go one way or the other, probably a little bit but not to amount to anything, but in this particular case that morning, when we tie up we lower a rope fender, we have a rope fender I should judge five feet long and perhaps nearly as thick as my body, with a line fastened at each end, and there was a spile driven about midship where we laid there that morning, so this fender was lowered down so that it would not fend the boat off from the dock. It is only a matter—not only a matter of the safety of the rail of the boat or to the fender, but it is a matter of cleanliness to the boat.

Q. If the boat were laid real high and it caught—as you say it had caught and it would be released suddenly with a crowd of people on there wouldn't it make it list to the opposite side very much? A. I do not think so; no, sir.

MR. SULLIVAN: How long have you been in the business? A. I have sailed for about—— 12 to 15 years, all told.

Q. Fifteen years? A. Yes, sir.

Q. Were you ever master of a boat? A. No, sir.

Q. The highest rank you ever had was first mate? A. First officer.

Q. Any experience on a passenger boat previous to this position? A. My experience has been mostly on passenger boats.

Q. Altogether? A. Pretty much so.

Q. Running between what ports? A. St. Joseph and Chicago.

Q. What line? A. Graham & Morton lines.

Q. How long were you with the Graham-Morton lines? A. I was with the Graham-Morton line for a period of ten years.

Q. And mate any of that time? A. Second mate and mate, both.

Q. How did you come to change from the Graham-Morton line to this line? A. I was off the lakes entirely for about five years.

Q. What was you? A. What is that.

Q. What were you doing? A. Police officer.

Q. Where, St. Joe? A. St. Joe.

Q. Yes, go ahead. A. When this company organized they offered me a position with the steamer Hart. I served there as first mate two seasons '13 and '14.

Q. You knew the reputation of this boat, the Eastland, didn't you? A. No, not particularly. I heard some things about her when she run over here at South Haven, between South Haven and Chicago, but nothing that would alarm any one.

Q. What did you hear about her? A. Why, always—— heard some stories about her being cranky.

Q. Much more so than the average passenger boat? A. No, I could not say that.

Q. Well, she was singled out particularly in discussing dangerous boats, wasn't she? A. Well, not that I could—— no, sir, I could not say that.

Q. Ever hear of her having any trouble in the lake where she almost tipped over with 2,000 people aboard? A. No, sir; I do not think I did.

Q. Did you hear about her going on the bottom in the St. Joe River? A. In the St. Joe River?

Q. Or one of those rivers over there? A. Last winter?

Q. What did you hear about her last winter? A. She had—— last winter while lying up in the canal with her sea-cocks all froze up and busted allowing the water to run into her ballast tanks on the port side causing her to list over and settle on the bottom.

Q. Well, was the entire water ballast system repaired at that time? A. Oh, yes, entirely.

Q. Was it changed from that system? A. No, sir, it was not changed from the old system. I will explain that to you if you wish me. There is one big ten-inch gate valve that connects with the outside of the boat. A sea-cock, there is a series of beams and stringers in the side of the boat underneath the water line.

Q. How far below the water line? A. I think about six feet approximately, I would not say positively. And to those holes that place is connected a pipe, an intake pipe, and on the inside of this pipe is this ten-inch valve I am speaking of——

Q. How large is the pipe? A. Ten inches. By opening that valve you can flood the tanks with water.

Q. Ten inches of water? A. Ten inches of water, that is the size of the valve. And in some way or the other it seems that the valve was not laid up properly, couldn't have been, after we took the valve out, you see we had a diver go down and put a patch on the outside where that stringer is to allow us to take the valve out inside and replace it with a new one without any rush of water; when we took the valve out we found there was water in the valve frozen and when it thawed out it cracked the valve, allowing the water to rush in; and those tanks being open, the manholes being open, the water rushed in on that particular spot or side, and there is not any too much water there anyway, and she just settled on the bottom with a small list.

Q. The only repairs made then were practically putting in a new valve of the same size and type as the old one. A. Yes, sir.

Q. Didn't increase the capacity of the pipe? A. No, sir.

Q. Do you know of any boats that are so constructed that you can let the water in from, say, the starboard tanks and take it out of the port tanks at the same time? A. That question again, sir, please?

Q. As I understand it this Eastland, you could not pump water in one set of tanks and pump it out of another at the same time? A. Well, I don't know as to that on the Eastland. I do know something about the other boats I have been on, not the Eastland.

Q. How were they equipped with reference to operating both sides of the tank system at the same time? A. That would be confined wholly to the sidewheel boats I have been in. Propellers I know nothing about. The sidewheel boat has a system of round tanks on each side at the girth and the guards being up from the water it allows them to have a large escape pipe underneath, there is a pipe going into either one of the tanks, so that we will say, for instance, the starboard tanks, you could be pumping that full and releasing water from the port tank, or vice versa.

Q. But you never saw them on a screw boat? A. No, sir.

Q. How many screw boats have you worked on? A. About six or eight, I should judge.

Q. In this boat on the morning in question here, I am told that you stated that the port holes on the port side were open? A. No, sir, not below the main deck; they were closed.

Q. And the gangways, what about those? A. The gangways were closed, the bottom part of the gangways were closed. We never close the top part.

Q. How about the dead lines on the other side? A. Just below the main deck were closed but not above the main deck. We never close those because they are above the gangways, they are on a level with the gangways.

A JUROR: You know about the boat lines, you were watching those? A. I was watching them.

Q. Do you know anything about the stern lines? A. No, sir.

Q. Do you know whether the stern of the boat drifted out in the river? A. No, sir, I do not, I do not think so.

Q. You were concentrating your attention on the front? A. Yes, sir.

Q. Do you know anything about the gangplank? A. No, sir.

Q. Did you pass over the gangplank to see whether it was horizontal, tilted up or down? A. I did not, that is, at that time. Previous to loading the passengers I had been on the dock, I noticed the gangplank had an inclination in toward the boat.

Q. That is, ran down toward the boat? A. Yes, sir, ran down toward the boat.

Q. You always try to have the boat as near the dock level as possible so as to have the gangplank level? A. That is something that I never paid any attention to. I always put out the gangplank; if the boat was higher than the dock, of course the biggest part of the gangplank would be out, the edge of the plank would be on the boat. If the boat was lower than the dock, then it would be on the dock.

Q. If they went down hill on the boat they would sometimes slip and could not load as fast—— A. No, sir.

Q. ——sometimes strike their head—— A. Yes, sir.

Q. ——so that you always try, it was desirable to have them as near level as possible? A. I presume so. I have nothing to do with the loading of passengers. I take care of the other part, that was my duty.

Q. On certain watches you are in supreme command of the boat, when it is your watch? A. When we are in the lake.

Q. Oh, that doesn't apply when you are in the river? A. No, sir, it don't happen at all.

Q. You do remember it slanted a little down that morning? A. Before the passengers went aboard.

Q. You have no recollection after that? A. No, sir, I was not back there.

Q. Your knowledge of the boats would lead you to believe you could make that level one way or the other by putting water in the ballast tanks or taking it out of the ballast tanks? A. Well, yes, you could remedy that some way, sometimes the distance would be too great, you know, to accomplish that, too high or too low.

JUROR: When it was your watch you're in entire command of the boat, you were in entire command when on watch? A. Subject to the orders of the captain, I have charge of the watch on the bridge, I had no supreme command of the boat at any time at all; but when we are in the lake and the captain is in his own room, why of course I have charge of the watch on the bridge, the same as the second mate when he is on.

Q. Have you been told it was the custom on that boat to make use of tanks two and three on the two sides and not to use one, four and five—do you know anything about it? A. No, sir, I know absolutely nothing about the trimming of the boat, that is a matter for the engineer.

Q. The engineer under the captain or the mate when the mate was in charge? A. Under——

Q. Is it customary for the engineer of the boat to be under the captain? A. I believe not.

Q. The custom on this boat, as to the relation between the engineer and the captain, is the same as on other boats usually, so far as you know? A. So far as I know, yes, sir.

JUROR: What was her draft forward when loaded up? A. I think nine foot, six.

Q. Nine foot, six? A. I think.

Q. What is the draft aft? A. Thirteen foot, six.

Q. Thirteen foot, six? A. Of course that would vary according to the amount of coal and water in her.

Q. Do you know anything about the difference in draft caused by empty tanks and full tanks? A. No, sir, I do not.

Q. Do you know the difference in drafts that might be caused by no load and a load of twenty-five hundred passengers? A. I would not know the difference, that is, I would not know how much difference.

Q. But you would know approximately the draft on account of having been a navigator? A. Yes, sir.

Q. It is thirteen after and nine six forward? A. That would be her average.

Q. She might be immersed eighteen inches or more. A. I could not say that, perhaps so.

A JUROR: She was going down to Michigan City that day and get back by 2 o'clock, was she? A. Yes, sir.

Q. She was to leave at 2 o'clock for St. Joe? A. Yes, sir.

Q. And leave St. Joe for Michigan City at 6 o'clock? A. Yes, sir.

Q. And leave Michigan City at 7:45 for Chicago? A. I believe so; I got that from hearsay.

Q. Would that crowd her pretty hard? A. I never figured it out.

Q. Did she ever make such a schedule when you were on board? A. No, sir.

Q. (By Mr. Sullivan): How many men were under you, so far as looking after the passengers is concerned, looking after their comfort? A. I can't hardly say as to that. The deck department on the boat really had no authority to look after the comfort of the passengers.

Q. These patrolmen, who are they under? A. They are under the steward. There was a little misunderstanding about that. It finally simmered down; I turned in the time for one patrolman and the steward did for the other. They changed around a little bit and this one patrolman on the promenade deck was under me.

Q. Just that one man? A. There was a watchman on the main deck. So far as looking after the comfort of the passengers, we all did that. Their duty is to see there is no fire and that everything is ship shape.

Q. The steward's men and your men were at their posts that morning? A. My men were.

Q. How many men were under the steward, around the decks? A. I couldn't answer that.

Q. Ten, twelve, twenty? A. I should say eight or ten.

Q. Did anybody issue any orders to any of these men as to what they should do when the boat got into a dangerous list, the patrolmen, deck watchmen or stewards, about taking care of the passengers when the boat got into a dangerous position? A. They all had their orders; my men had their orders; the minute they seen any sign of danger, we was to be notified at once.

Q. Were you notified? A. No, sir.

Q. Did you notify any of the men under you? A. There wasn't any one near me.

Q. Did you shout any warning to the Captain or to the people below deck? A. This was done suddenly. I was watching the Captain for orders.

Q. The engineer said he was 17 minutes trying to right her; she kept getting worse; about 10 minutes before she went down she gave indications of righting up? A. As a rule, any boat loading passengers and freight, a boat will list either to one side or the other. We never pay any attention to that unless it gets too bad.

Q. The loading of passengers ceased 10 minutes previous to the capsizing of the boat? A. No, sir.

Q. What is your judgment? A. I don't know. About 2 or 3 minutes. I was possibly going to the deck where the people were.

Q. How much coal over the ordinary amount did you have on this day? A. I couldn't say.

Q. (By Coroner): A boat being loaded with approximately 2,500 passengers, and if the bunkers contained probably 125 tons of coal, under these conditions, how much water would the boat draw? A. I can't say.

Q. You testified that it made a difference as to the loading? A. It would make a difference, but I could never say there were that many on the boat.

Q. How many? A. 2,500.

Q. Did you see the Government inspectors some time before the boat listed go onto the dock and ordered men and women off the boats? A. No, sir.

Q. Could that have been done without you knowing it? A. Yes, sir.

Q. How many trips have you made on the Eastland, going and coming? A. According to the log which I keep, we were on our fortieth trip.

Q. During these forty trips, how many times did the boat list to such an extent that the passengers became nervous? A. Never.

Q. Do you know at one time when this boat listed to such an extent, across the lake, that it listed clear over and was caught on the dock or something of that kind? A. I don't get you clear.

Q. Do you know at any time that this boat listed near a dock or piling so it caught, and if it hadn't caught, it would tip over? A. No, sir; I do not; barring the time I explained last winter.

Q. Could that have been the time she leaned far enough she caught? A. No, sir.

Q. (By Juror): How long have you been on the Eastland? A. Since the 12th of June.

Q. This year? A. Yes, sir.

Q. Were you on her last year? A. No, sir.

Q. How many passengers, prior to the loading of the boat, were there on the boat, during your employment on there? A. Well, the largest number was the night before—on Friday night, which I am informed there was something like 1,800 or 1,900. It was a Masonic excursion.

Q. (By Mr. Hoyne): Where did the excursion go? A. Out in the lake.

Q. How far did they go? A. Six or seven miles.

Q. You didn't go to Milwaukee? A. No, sir.

Q. Has the boat gone to Milwaukee this year, or in recent years? A. No, sir.

Q. During any of your recent trips, or the last forty trips, has there been any time you loaded pig iron in the hold for ballast? A. No, sir.

Q. Could that be done without you knowing it? A. No, sir; I don't think it could be done without my knowledge.

Q. Before you came here, Mr. Fisher, did you consult counsel? A. No, sir.

Q. Talk to any lawyer? A. No, sir.

Q. Any lawyer across the lake or out of the County? A. No, sir; I just considered myself a witness.

MR. HOYNE: That's all.

Q. (By Mr. Sullivan): Do you know Mr. Reid, the Government Inspector? A. Yes, sir.

Q. How long have you known Mr. Reid? A. Ten, twelve years.
Q. Ever have any business relations with him? A. No, sir.
Q. Not related to him? A. No, sir.
Q. (By Mr. Korshak): You have had considerable experience; have you any opinion as to why the boat capsized? A. I have not.
Q. Do you think the boat was grounded? A. I can't say.
Q. (By Juror): When this boat was listing, during those seventeen minutes, what is the custom; doesn't the Captain indicate to the engineer or the engineer to the Captain? A. As a general rule the Captain sends down word on the telephones, telephones to him whatever orders he wants to give him, or the engineer telephones to the Captain.
Q. If the engineer wasn't getting his boat up, is it the custom to tell the Captain about it? A. Generally so.
Q. Do you know whether he did in this case? A. No, sir.
Q. (By Mr. Hoyne): When this boat was loaded on Saturday, about how far was the stern from the dock? A. At what particular point?
Q. All right, we will take the rudder? A. Well, I should say approximately ten feet.
Q. Was this boat loaded through the aft gangway? A. Yes, sir.
Q. At the gangway, about how far was the boat at that point from the dock? A. I should say a matter of four or five feet.
Q. Is it true that, owing to the peculiar construction of this boat, when it is empty and when the tanks are low, and empty also, it is possible to get the boat close to the dock, and as the boat fills and goes down, it breaks away from the dock? A. No.
Q. Hasn't it that tendency? A. The more you put on the boat, it puts her down, but it doesn't have a tendency to put her away from the dock.
Q. Some one who doesn't pretend to be a naval architect has explained to the Coroner that the boat might be compared to an orange with a couple of ice cream cones attached to it? A. She is perfectly round on the bottom.
Q. It has also been suggested that it has a top something like a submarine's construction; did you ever hear it called that? A. No.
Q. (By Coroner): How much stability has a boat of that shape? A. I can't tell; I am a navigator instead of an architect. I don't understand your questions. Of course, I understand what stability is.
Q. (By Mr. Hoyne): How about the dock at South Haven; have you had any experience of having a tendency—pushing the boat away from the dock? A. No, sir, she never had a tendency to push the boat away from the dock.
Q. Nor the taking of water in the tanks have any such tendency? A. No, sir.
Q. (By Juror): Have you noticed how it lies in the river? A. I didn't leave the wreck for nearly three hours after.
Q. The stern is out quite a good deal further than the bow; why is it? A. It seems to be. The lines of the boat—she is built rather sharp—and I presume in settling in the mud, it would be a good deal on the—— Well, I can't explain it unless I can draw it out for you on some paper. (Witness draws sketch.) Something like that. You know, the boat would have a tendency to settle in the mud.
Q. (By Mr. Korshak): This boat depends on water ballast entirely for its stability? A. I can't say; I never heard that discussed.
Q. Would you consider the boat stable—consider it a safe boat? A. I have always considered it a safe boat.
Q. That is without water ballast? A. So far as the water ballast is concerned, I don't know whether the water ballast was intended to trim the ship or put her down in the water or lighten her up; that's something I don't know anything about. Of course, it could be used for both purposes.
Q. (By Mr. Hoyne): From your familiarity with other steamboats—

you know there are side-wheel boats, from what you have seen isn't it your opinion the water tanks on the boat were designed merely for trimming purposes, and not for ballast at all? A. I should take it that way. I would not say positively, but I should take it that way.

THE CORONER: It has been stated that the boat was built, started like a greyhound and died like a wolf. What would you infer from that? A. I would infer that she started on straight lines forward, and flattened out like a wolf aft.

Q. (By Mr. Hoyne): What were your relations with the engineer—were they pleasant? A. Yes, sir.

Q. Who is the boss, the engineer or the captain? A. The captain is supposed to be in supreme command of the boat, but——

Q. The captain didn't hire the engineer? A. No, sir.

Q. Who did? A. Mr. W. H. Hull.

Q. (By Juror): Do captains usually hire the engineer? A. Around these passenger lines they usually do not, the companies usually hire the engineer and the captain, but on these tramp boats that trade between Chicago and Buffalo with oil, the captain hires the engineer and everybody on the boat.

Q. Wasn't it a custom when this boat got out into the harbor to empty the ballast tanks? A. I couldn't say.

Q. (By Mr. Sullivan): Did Mr. Reid have anything to do with getting you your position? A. No, sir.

Q. Did he ever get you a position of any kind? A. No, sir.

Q. Do you know Mr. Steele, the secretary? A. Yes, sir.

Q. Did he ever give you any orders regarding the management of the boat? A. No, sir.

Q. (By Mr. Hoyne): Mr. Fisher, do you know Captain Dority, former captain of the Eastland? A. I know him by sight only.

Q. Did you ever have a discussion with Pederson with reference to the safety of the boat? A. No, sir.

Q. How long have you been a resident of St. Joe? A. Fifteen years.

Q. Do you remember about the time the Eastland was first put into service on the other side of the lake? A. On the St. Joe run?

Q. Yes. A. I do, yes, sir.

Q. Wasn't that boat originally built by a number of people in South Haven, and wasn't it promoted there by citizens? A. We understood so, yes, sir.

Q. You know who built it, don't you? A. The Jenks Shipbuilding Company, Port Huron, Michigan.

Q. Do you know whether it was built with special reference to the conditions of harbors, and so forth, on the other side of the lake? A. No, sir.

Q. Do you know whether it was built, whether it was especially designed so that it might get across the bar at South Haven? A. No, sir.

Q. You never heard that? A. I never heard that.

Q. Did you ever hear that any of the Government officials, engineer, or any kind, were here, were brought on here from the Brooklyn Navy Yard, before it was first built? A. No, sir.

Q. To make suggestions for the boat? A. No, sir.

Q. And that they stayed in South Haven for a considerable time, some months, did you hear of that? A. I never heard of it, sir.

Q. Do you know how long after the boat was built it was put on the market for sale? A. No, sir, I do not.

Q. Do you know of any reason why a boat that has cost $3,000 new, would want to sell—I mean that cost $330,000, was sold for $150,000? A. There is no reason that I know of.

Q. The depreciation, the usual depreciation of the boat, wouldn't cut that much off its original value, would it? A. No, sir.

MR. SABATH: Last Saturday, that boat took on the largest number of passengers that you have ever seen before, isn't that right? A. Yes, sir.

Q. The boat was jammed? A. That is, now, from my position——

THE CORONER: That is putting the question to the witness——

MR. SABATH: Well, the boat was——

THE CORONER: Ask him if it was or not.

MR. SABATH: Now, was it jammed or not?

THE WITNESS: Well, now, I wouldn't——I am not in a position to say that, because from my post forward on the promenade deck, it was impossible for me to see any of the passengers with the exception of what was right around forward, forward of the pilot house.

Q. Haven't you seen a larger number of passengers last Saturday on the boat than ever before? A. Why, yes, there was more than I have ever seen before in one bunch crowding on together.

Q. Isn't it necessary to pay more attention to the boat when she is heavily loaded with live freight as it is sometimes called, than when she carries only a small number of passengers? A. Well, there is a difference in opinions as to that.

Q. Now, then, isn't it harder to carry live freight than dead freight? A. You mean——

Q. I mean passengers than ordinary freight? A. Oh, yes; yes, sir.

Q. More care is required, is it not? A. More care is required, yes, sir.

Q. The larger the number of passengers he carries, the more care it requires? A. Yes, sir, the more it requires.

Q. The captain and you talked over the situation Saturday morning that he had a large number of passengers? A. No, sir, we had no conversation.

Q. Did you call his attention to anything? A. No.

Q. Did you call his attention to the boat, that the boat was listing? A. No, sir, I did not, as I stood there watching him, he was in a position to see the boat listing, the same as I was, he was on the bridge, and I stood there watching him, for whatever order he might give me.

Q. You are next in charge, or next in authority on that boat, are you not? A. Well, I am under, directly under the captain, he is my boss, whatever he says, I have to do.

Q. It is your duty to report to him whenever you see anything wrong in there, report it to the captain? A. Yes, sir.

Q. Did all the other men report to you? A. Well, their report, they are made by the captain, we are all under the captain, they report either to me or the captain, just the same way, they are not supposed to report to me any more than the captain, who is in charge.

Q. That is all.

THE CORONER: I want to ask you one more question, Mr. Fisher. A. Yes, sir.

Q. You have had a talk with the captain or some of your employes on that boat, since Saturday morning, have you not? A. Not in regard to the boat, the accident, or anything of that kind, nothing, we were not allowed, that is, we were told not to discuss the subject at all, we have kept strictly——

Q. You didn't discuss that with the captain or any of your employes? A. We haven't discussed the thing.

Q. Not since the accident? A. Not since the accident.

THE CORONER: That is all.

JUROR: In case any official of the Indiana Steamship Company, you and the captain of your boat, told you to do a certain thing in connection with it, the boat, would you be bound to obey them? A. No, sir, not without the order of the captain, ordered me to.

Q. Do you think he would obey orders from the other steamship lines? A. That I could not say, sir.

Q. Would it be customary in charge of your boat, to obey orders from the charterer of your boat, the captain of your ship? A. It would be customary, yes, sir.

Q. Where did you hear it was, where had it been done, before, any cases, had orders been taken from other people in charge of your boat? A. Well, the person that charters the boat is practically the owner of the boat for the time being, whoever chartered the boat.

Q. If you turned around in the river, you turned around apparently to whatsoever party——if you had an order to turn around to proceed to some dock, you would start your boat in without anything, you would obey his commands. A. If he orders us to leave, if he ordered the captain to leave at a certain time to go to some other dock, or something like that, why, of course, the captain would be in duty bound to obey that order.

Q. That was done in any other cases? A. I presume it is, yes, sir.

Q. It has been done. A. It certainly has been done, yes, sir.

MR. KORSHAK: Outside of obeying orders as to leaving, the captain would be the supreme officer? A. The supreme officer at all times.

Q. He would be the one in command? A. He would be the one in command, yes, sir.

THE CORONER: What is the desire of the jurors, to go to lunch now, or to take another witness.

JUROR: Have it brought up here.

THE CORONER: Well, we will adjourn now until 2 o'clock.

JURORS: Yes.

STATE OF ILLINOIS }
COUNTY OF COOK } ss.

We, W. K. Alkire, A. J. Flynn, L. H. Morse and W. C. Yunker, do hereby certify, that at the request of the Coroner of Cook County, Illinois, we took down in shorthand the minutes of the foregoing testimony, had and taken an inquest held upon the bodies of Kate Austin, et al., deceased; that the foregoing transcript of the evidence so taken is a true and correct copy of the original minutes taken and transcribed by us, and is a true and correct statement of each of the several witnesses who testified at said inquest.

IN WITNESS WHEREOF, we hereunto set our hands.

W. K. ALKIRE,
A. J. FLYNN,
L. H. MORSE,
W. C. YUNKER.

STATE OF ILLINOIS }
COUNTY OF COOK } ss.

An Inquisition was taken for the People of the State of Illinois, at County Building, in the City of Chicago, in said County of Cook, on the 24th, 25th, 26th, 27th and 28th days of July, A. D. 1915, before me, Peter M. Hoffman, Coroner, in and for said County, upon view of the bodies of Kate Austin et al., then and there lying dead, upon the oaths of six good and lawful men of the said County, who, being duly sworn to inquire on the part of the People of the State of Illinois into all circumstances attending the death of said Kate Austin et al., and by whom the same was produced, and in what manner and when and where the said Kate Austin et al. came to their deaths, do say, upon their oaths, as aforesaid, that the said Kate Austin et al., now lying dead at morgues in said City of Chicago,

County of Cook, State of Illinois, came to their deaths on the 24th day of July, A. D. 1915, from asphyxiation by drowning.

The drowning was the result of the overturning of the Steamer Eastland while tied to the dock on the south side of the Chicago River immediately west of the Clark street bridge.

We recommend that the following persons be held to the Grand Jury on the charge of manslaughter and for such other offenses as the facts may warrant:

William H. Hull, Vice President and General Manager of the St. Joseph-Chicago Steamship Company, owner of the Steamship Eastland, St. Joseph, Michigan.

Captain Harry Pedersen, St. Joseph, Michigan, of the Steamship Eastland.

Joseph N. Erickson, St. Joseph, Michigan, Chief Engineer of the Steamship Eastland.

Walter K. Greenebaum, Chicago, Illinois, General Manager of the Indiana Transportation Company.

Robert Reid, Grand Haven, Michigan, United States Local Steamboat Inspector.

Charles C. Eckliff, Grand Haven, Michigan, United States Local Steamboat Inspector.

Nothing in the testimony offered before this jury indicated that the passengers were guilty of any unusual act that contributed to the disaster, and we are of the opinion that no act of the passengers was responsible for the disaster. In the absence of evidence of undue acts on the part of the passengers or violent physical causes such as explosions, fire or collisions, the fact that this vessel overturned is proof either that it was improperly constructed for the service employed, or that it was improperly loaded, operated or maintained, or that several or all of these causes operated to bring about the serious result.

It is our judgment that the Steamship Eastland was both improperly constructed for the service employed and improperly loaded, operated and maintained, and that the parties named are responsible.

We recommend to the State's Attorney and the Grand Jury that an investigation be made of the corporation or individuals responsible for the management of this boat with a view to discovering if other members of the corporations or other individuals were responsible for acts contributing to this disaster.

We further recommend that the State's Attorney and the Grand Jury investigate carefully the circumstances of construction of this boat to ascertain if there can be found legal methods by which those responsible for its defects in construction can be held accountable.

We further recommend that the State's Attorney and the Grand Jury investigate the details of purchase and sale of the different common carriers which have owned the Eastland with a view of determining if possible whether knowledge of the instability of this boat and the hazards attendant thereon, have been known to the sellers and have not been disclosed by the sellers to the purchasers and whether the various purchasers of this boat have discharged their duties as common carriers in investigating the stability and freedom from hazard of the Steamship Eastland.

It is our opinion that the Federal Government's system of permitting the construction of vessels for use by common carriers is unscientific and a menace to public safety. There is not now, nor has there ever been an inspection service maintained by the Federal Government for the purpose of determining the stability of boats offered for passenger service. It is the judgment of this jury that the present method of determining the passenger-carrying capacity of vessels is not founded on any proper basis.

In recommending that Inspectors Reid and Eckliff be held to the Grand Jury, we recognize the possibility that the courts of Illinois may not have

jurisdiction over them. Should the courts of Illinois not have jurisdiction, we recommend to the Department of Justice of the United States that they undertake to mete out justice to these parties.

IN TESTIMONY WHEREOF, the said Coroner, and the jury of this inquest, have hereunto set their hands the day and year aforesaid.

W. A. EVANS, Foreman. EUGENE V. BEIFELD,
HARRY C. MOIR, JOHN S. KEOGH,
WM. F. BODE, HENRY A. ALLEN.

PETER M. HOFFMAN, Coroner

BEFORE THE CORONER OF COOK COUNTY.

STATE OF ILLINOIS } SS.
COUNTY OF COOK }

INQUEST ON THE BODY of KATE AUSTIN et al.

Transcript of testimony taken and proceedings had at the inquest on the bodies of the above-named deceased, before Peter M. Hoffman, Coroner of Cook County; Charles F. Kennedy, Deputy Coroner of Cook County, and a jury impaneled and sworn at Room 811 County Building, Chicago, Illinois, on July 28th, 1915, at 2:00 o'clock P. M.

PRESENT: MACLAY HOYNE, State's Attorney.

W. J. WOOD, Naval Architect and Consulting Engineer.

Reported by W. K. ALKIRE.

EASTLAND INQUEST.

MR. WILLIAM C. REDFIELD: It is a great pleasure to meet Dr. Evans and the other gentlemen to have an opportunity to explain fully the condition, the spirit, the quality and the class of the Steamboat Inspection Service, and I am going to explain a little more at length than you would like in order to give you as clear a conception as I can of its spirit, and practice of this service.

The Steamboat Inspection Service knows no politics. One of the first acts, the early acts of the administration was my giving to the President and telling him that in my viewpoint this service, which had in its care, the safety of women and children, thousands of people, many of them asleep, could not care for themselves, was one which should be absolutely divorced from every political consideration, and that the promotions to that service should be strictly on the ground of ascertained merit, free from every influence, and that the promotions within the service should be of men who had demonstrated their capacity by their work in that service. That policy has been strictly carried out from the beginning, and I think there are ten Supervising Inspectors are there not?

GEN. UHLER: Ten.

MR. REDFIELD: I can't say I know, or certainly have never inquired as to what the political faith of any of them are. It has come to my knowledge once or twice since, some of them have been accused to me of being one or another faith—that they were not of that faith that they were accused of being, but other than that, I have no knowledge.

THE CORONER: There have been how many changes in that service of Supervising Inspector?

MR. REDFIELD: There has been but one, sir.

GEN. UHLER: Two, are there not; one at Louisville and one at Boston?

MR. REDFIELD: There have been only two changes in the Supervising Inspectors during our administration. You understand, of course, that the ten Supervising Inspectors are Presidential appointments, out of the Civil Service Law. Beneath those ten, and with the slight exception of the Chief and Deputy Chief, including twelve inspectors, the entire service is on the Civil Service basis, and the local inspectors are all of them selected from the eligible lists of the United States Civil Service Commission. There have been two changes in the twelve positions since we assumed our office. Those two changes were in Boston and in Louisville. In both cases because we became satisfied after careful examination that the incumbents were not satisfactory. The appointment in Boston was made of a Captain operating one of the large Sound steamers, a trained seaman and was made contrary to the express wishes of the corporation which employed him, who recommended strongly another man.

THE CORONER: The appointment in Louisville was a promotion?

MR. REDFIELD: Yes, sir. Was made by promoting one of the local inspectors at Nashville, who had made an excellent record in the service. These are the only two changes in the board, since. There have been a number of changes in the local inspectors for cause, some of them for age. One of them because of a quarrelsome disposition. One or two because they were found to be men who occasionally indulged in drink, though we must admit never found drunk. I think these are the only cases; isn't that so, General?

GEN. UHLER: I think that is all.

MR. REDFIELD: And in every case they have been filled either by selection from the Civil Service list or by promotion from the men who had a demonstrated record beneath. I have never heard of a case where any owner or interest ever advocated any appointment. If there is any, I don't know of it, and I have been, I think personally familiar with them all. Now, the organization of the service is one of course, which is fixed by law. The Supervising Inspector General, the Deputies and the Board of Ten Supervising Inspectors and the local boards are constituted by law and exist in the different seaports, as here in Milwaukee and elsewhere. The local boards have rather broad powers given them by law, not conferred upon them by the Department, and not removable by the Department. In other words they operate as independent bodies in a measure within their own locality without the instructions of the Department. For example in this present instance, there is no power in any body to order an investigation made into the acts of the licensed officers on the ship, or into the acts of the inspectors who inspect the ship, and no such investigation will be ordered, for the reason that it follows by statute—it is a duty imposed in every such case by law and follows automatically. The powers of the service in such matters as that lie in seeing that the Board does not inspect its own acts, and another board than that which is interested examines into the matter. To illustrate, I might perhaps add that these inquiries thus ordered by statute are always proceedings. I presume that in some portion of the country—there is one going on in some portion of the country or another. It covers everything. It covers the loss of life or property, however small. For example a man jumps overboard into the lake and commits sucicide, an inquiry follows as a matter of course. When I took charge of the service, I did so, if I may say it in this presence, with a fairly thorough knowledge of steamboats and vessels. I was in a measure brought up in boats and am familiar with steam engineering, measurably familiar with it and own and have navigated my own boats on river and at sea, and am familiar from personal experience with the navigation of all the oceans and many of the rivers and lakes and seas of many continents. I established the rule, which was new, that every accident of every kind should be reported to me personally, and ever since we took charge that has been the case. There have been a few cases when I was overwhelmed with work or when temporarily absent the Assistant Secretary took my place, but every case of accident has gone through the Assistant Secretary's or through my own hands. That has been done in order

that we might, so far as is possible, determine the causes of accidents and remove them, and the records will show that in many of these cases I have felt there was a lesson to be learned, and have endeavored by instructions to have that lesson taught. The penalties imposed by these local boards, which have the right to summon witnesses and impose penalties within certain limits, are passed on under review, and in some cases I have deemed them too moderate and in some cases I have deemed them severe. The whole matter has thus been kept under my personal inspection. Furthermore, I made it my duty, and my Assistant Secretary has done the same thing, to personally know the men in these different districts, all Supervising Inspectors, of course, personally, and many of the local inspectors. The Supervising Inspectors meet every year in the Commerce Building in Washington and remain there a number of weeks. They meet there for the purpose of considering the suggestions made during the year arising out of the experience of the service, and revise the rules which is annually done. It is my duty to say to you that the most criticism we get, and we get a great deal of it, is of the excessive severity of the service. The constant difficulty we face is that of the insistent demand to relax the severity of the service. The demand has come as frequently from the passenger and from the men as from the owner. I want to give you a specimen or two of that, that you may see and catch the spirit of the service. Within two weeks bitter protest has been made against our refusal to allow a licensed vessel which was so rotten that the inspectors, who were charged with wrong by the owners and the mortgagee, tore from the ribs of the ship with their own hands rotten timbers which they placed on my desk, but the owner and the mortgagee still insisted that there was enough good timber left in the ship to make it proper for use to grant her a license. It would be easy from the records of the service to go over that story constantly and show constant, steady pressure to relax the service. It would be equally easy to show you in writing, the equal, steady pressure which I have exerted from the beginning, that this service should become more rigid and more earnest steadily. I think it is a fact that the records will prove that it has never been in as effective and strong and efficient a condition as it is today. We carry between three hundred and ten and three hundred and twenty million passengers a year in the vessels which are inspected. The loss of life in the past two years, including crews, which are not included in the quantity, I mean, has been in both cases, on all waters, oceans, rivers and lakes alike, very small.

The rules thus annually revised, are published and put in the hands of every officer on board ship. The constant complaint reiterated in the press of this city within two weeks is that by insistence on these rules we are interfering too much with the business of the community. Against that, we have constantly made a struggle. About six or eight months ago, I don't remember what the time was, feeling that there was need in addition to my personal injunctions, I sent to each Supervising Inspector throughout the country a written instruction; also, that they were the guardians of the lives of the innocent and helpless, feeling that something must be done to call to our aid the captain, the engineer and the owner, which aid we found we usually did not get, as I will illustrate to you in a moment. I ordered prepared 20,000 large placards. It would be very interesting if your inquiry were to find one in the pilot house or engine-room of this vessel. These placards read in very large red letters, "Safety First," then the words "United States Steamboat Inspection Service," and beneath that in equally large letters, "Take No Chances." How that operated was shown in a recent tornado in ————. The captain of the vessel with a large crowd on board saw that tornado approaching, says he looked at his placard and concluded he would do it, and put ashore with his entire load. It is for us to impose our will upon the vessel, which will appear from the fact that a year ago last May 30, I telegraphed to every Supervising Inspector in the country, that I would hold him personally accountable and his local inspectors accountable for every act in which vessels were allowed to carry more people than the lawful limit. We turned away 5,000 people in Detroit, whom, despite that injunction, the captains and own-

ers of the vessel would have taken on board, and we turned away 1,500 people in the City of Baltimore. Every such holiday is a gray day until it is passed. We regard the fact that we have passed succeessfully now for several years without the faintest accident, as being one of the proofs open to all men of the effectiveness of that inspection.

Now, coming to the question of counting passengers. I shall probably not get this in perfect order, because it comes to my mind in different routine. The counting of passengers or the checking up of passengers is not a duty of the Steamboat Inspection Service. It is the duty of the Bureau of Navigation. The inspectors who perform that duty are under the jurisdiction of the Commissioner of Navigation, Mr. Chambers, and are officers of that Bureau and not of the Steamboat Inspection Service. They are under the instruction locally of the Collector of Customs. The Collector of Customs is under the Treasury Department, and is an officer of that Department and paid by the Treasury Department. It is none the less in a very considerable part of its duties directly under the Department of Commerce, and in this respect, he is under the Department of Commerce, Bureau of Navigation. Now there is the history which I am glad to tell, because it is evidence of the effectiveness of the service, and very frankly, we are most proud of the general record in the case of the Eastland. I have commended the two gentlemen that took the count on that vessel this morning as performing a heroic and unselfish service.

Up to about six or eight months ago, the work of counting was one of rather vague jurisdiction. It was done for us, it was not always done by us. When a busy day came, like a holiday, we would have to call, not only upon all the local inspectors of the steamboat service, simply because we had the power to call upon them, we also called, in a large city like New York, the customs inspectors, anybody we could get, in short, to undertake this all-important work. We run across a very serious difficulty in a decision in the United States Court, that the count of one inspector would not go against the word of the officer or captain. Where we attempted to impose a fine for breach of the regulations, the court decided it was the word of the captain against the word of one inspector, and were called upon to have two inspectors. There were not men enough in the country in the Government Service, Customs Service and Steamboat Inspection Service taken together to perform that duty in any one of our large cities on a crowded day, and especially in the cities of New York, Boston and Baltimore, and consequently we found ourselves in a very serious quandary. The result of it was we appealed to Congress for a special appropriation, which was granted, which existed for the first time, of $15,000.00, which is available, and the result of that has been the appointment under the Civil Service Rules of the Civil Service Commission, and they have appointed from their list, I think ninety-six young men, of whom there are six in the City of Chicago, who have nothing to do but count passengers in and out of vessels. That counting is not done by these men simply trusting their memory, but the counting is done by an automatic calculator. We saw the one the men used, it was an automatic record. The record in the case of the Eastland is one I saw, of which the Navigation Service are distinctly proud. Mr. Ludlow, who was our own officer serving under Mr. McCreary's direction in the Customs Service, was on board that vessel in the evening on a moonlight excursion. He came back with her and in order that he might be on hand promptly when the Eastland crowd appeared in the morning, he slept on board the vessel, not because he was ordered to do so, but because he desired to do so. He thought it was his duty to do so. It was about shortly after 6 o'clock in the morning, or half-past 6, when his chief, Mr. Oakley, appeared, at the same time his superior officer, Mr. McCreary, appeared. There were three of them there. The counts of the two tallied within seven, and the discrepancy of seven was called to

Mr. McCreary's attention, the error was corrected, then Mr. Oakley was sent to the Petoskey, and Mr. McCreary took his place finishing the count, and he and Ludlow, as they reached 2450, notified the officers of the ship, and when they reached 2475 the line was brought and they came on. A great many people requested to be taken on board after the 2500 people were on. One man strenuously insisted that his wife and child were on board and that he must be permitted also to go on, but he was not permitted on board. Of course those who didn't come on this went over to the other vessels, and sometimes I believe they had tickets for the Eastland, but they didn't get on board of it. The vessel carried precisely her authorized limit of 2500 passengers. That by the way was a reduced limit. She had been carrying 3,000 persons in the event she kept within five miles from shore.

A JUROR: Before she was altered.

MR. REDFIELD: Yes, sir, before she was altered. We have evidence of a number of voyages in which she had on board 3,000. people.

A JUROR: How far back, previously had the boat been altered.

A VOICE: 1906 she was altered and the number was issued 2996.

THE CORONER: Isn't it a fact that it was increased from 2200 to 2500.

MR. REDFIELD: I think it was. This is one of the matters I presume that was because of the increase in life-saving equipment that was put on board.

THE CORONER: Mr. Redfield, was the reduction ordered by the Government?

MR. REDFIELD: It was ordered. By reason of their fear of overloading, that would be a matter of inquiry. It was ordered by the service, of course, ordered by the local inspectors from 3000 to 2500.

A JUROR: What this jury has in mind, they don't understand on what basis or by what authority the capacity of a vessel is determined.

Mr. HOYNE: We have information that the Steamship Eastland as recently as in 1913 or 1912, when it was operating from Cleveland, its capacity was limited to 653 persons, unless it was within five miles of shore. What is the basis for judging capacity—is there any basis or is it merely the whim of the local inspector?

MR. REDFIELD: No, it is neither. This young man Ludlow stayed on board the vessel and was thrown into the water with everybody else and swam ashore. There is no question that the navigation inspectors performed their duty very creditably, though it is no exception.

A JUROR: Believing that the number the register showed had entered the boat, and that the boat was not overloaded as compared with the register, would that be a proper limit?

MR. REDFIELD: He has no decision in the matter. He has to take the legal limit, he simply follows that. The penalties for overloading are very severe. Crowding or overloading is very common, or at least the effort to overload beyond the legal limit is very common. We had a case, an interesting case not a great while ago, of this kind, it is a very common thing, and a proper thing for a vessel to have several limits, depending upon the season of the year, the nature of her voyage and other limits. In the case I spoke of a vessel out of New York City, it was allowed to carry 270 persons to the fishing banks in the summertime and was allowed to carry but seventy in the winter, but a fair day coming she put on board 250 persons, and was caught down the narrows with them on board and she was fined $500, and I think the captain lost his license.

GEN. UHLER: Yes, sir.

MR. REDFIELD: The service has always recognized the fact that no arbitrary universal system of square foot area per passenger was possible

and no such exists. I have seen in the papers a statement that nine square feet per passenger was a unit. That is absolutely untrue. It is not possible to fix an area, because vessels are not all alike. One vessel will not have the same conditions as another. In other words, the unit which would apply to one in the physical nature of things cannot apply to the other. Furthermore, certain vessels, as for example those upon the Hudson River, and those upon the Upper Mississippi, plying in waters in which the sinking of the vessel is a matter of extreme improbability from the fact that they are immediately close to shore, and then again since there are very different climatic conditions upon certain portions of our coast, a limit that we would lay on one portion of the coast because of the conditions of navigation are radically unlike, and to provide at one point what you would require at another would suppress navigation altogether, perhaps in some cases a great hardship would be imposed. The Eastland's limit was not an absolute limit but was a limit varying at the different seasons. If the vessel had run after October and before May her limit would have been very much less, as is the case with vessels that do so operate. The limit is adjusted not by the department, not by the Steamboat Inspection Service, but by the officer upon whom it is placed by United States statute—namely, upon the local inspectors. Upon the two inspectors constitute the local board, this is their province. The power of the department over them rests in this, that if they misbehave, if they err, if the result of their action is faulty, they can be removed and others can be appointed, but by the statute law of the country that power rests with them to fix the limit.

THE CORONER: What is the salary of the local inspectors?

GEN. UHLER: The salary here is $1,800 per year; the salary varies from $1,500, in the smaller ports to that of $2,500, in New York, which is the largest port.

MR. REDFIELD: We have endeavored, and would welcome your assistance in securing an increase in the pay in this service.

THE CORONER: Do you believe it to be a good law Mr. Redfield to allow this question to be determined by the local inspectors as to the number of passengers a boat should carry?

MR. REDFIELD: I will tell you, you asked my personal opinion, I think yes and no. I think it is very hard to say absolutely. I think these local inspectors being charged with the peculiar knowledge of the locality should have the power to fix it, but I think it should be subject to review by the higher officials of the service or by the secretary, but it is not so subject at the present time.

THE CORONER: The reason that I asked the question, Mr. Redfield, the evidence here shows that the Eastland was allowed to carry 2,250 passengers. Shortly thereafter they added five life rafts and simply by adding these five life rafts the local inspector increases its carrying capacity from 2,250 to 2,500.

MR. REDFIELD: That is the law, the law being thus, that such a vessel operating at such a season and on such waters, must carry life-boat and life-raft equipment during that season of the year for 30 per cent of the passengers on board for capacity and must carry life preservers for all.

In the meantime, however, it should be noted that the Seaman's Act already come into effect, that is, on the 4th of March last come into existence, going into effect however upon the 4th of November by which that power is taken out of the local inspector's hands and is made dependent in a very interesting way upon her capacity to carry life-boats and life-rafts for 50 per cent instead of 30 per cent.

GEN. UHLER: I think you are mistaken, 50 per cent of the loading capacity and the loading still rests with the local inspector, and I think it might be well to explain that it would have made no difference, Mr. Coroner, had the Eastland, had on board a 100 more rafts, she could not have gotten more than her limited capacity of 2500 people.

DR. EVANS: If I may premise by a statement which I think is a statement of fact, if not, kindly correct me. Her allowance was increased from 2,250 to 2,500. That allowance having been made, in order to comply with the law she was ordered to increase her life-boats, etc., so that the increase in the number of life-saving apparatus increased the allowance. The increase in the life-saving facilities followed automatically the increase in the allowance of passengers.

GEN. UHLER: Quite right.

DR. EVANS: Now then, what would be the basis upon which the local inspector would determine that she should be allowed to carry 2,500 rather than 2,250 passengers.

MR. REDFIELD: That rests with the local board, not with one inspector. That rests with the local board, Eckliff and Reid.

Q. Is there anything in the statute or anything anywhere, any rule, regulation or law which states what they should take into consideration in determining whether that should be 2,500 or 2,250?

GEN. UHLER: Absolutely nothing. This rests with the local inspector.

MR. REDFIELD: I think it is a matter of record that Captain Wescott, the Supervising Inspector, did instruct that every inspector in his district be extremely careful. There his power stops. The laws puts in the hands of the local board that decision, and our power does not run to see that they comply with it, but only to review their action.

MR. REDFIELD: If we became satisfied Gen. Uhler, from any knowledge of our own that they had erred, what would be your remedy?

GEN. UHLER: To give them instructions which I suppose they need not obey under the law. You can charge incompetence. Under Section 4417 it says local inspectors shall once a year look into the condition of a vessel to warrant the belief that she may be used in navigation with safety, is a law that they may discharge, etc.

A JUROR: That is what the public is up against, the belief of a man that a vessel is stable.

A VOICE: It is quite right, Section 4464 of the Revised Statutes covers the point.

MR. REDFIELD: Here is the position we are in, we are absolutely short of men on the lakes.

A JUROR: In other words as far as the department is concerned, it has no rules relating to the plans of a vessel when the vessel is designed?

MR. REDFIELD: Yes, sir.

GEN. UHLER: Lately only?

MR. REDFIELD: The plans of every vessel now is submitted, that is recent. How recent is that General?

GEN. UHLER: Within the past two years, sir.

MR. REDFIELD: Since we took charge the plans of every vessel are obliged to be filed with the service, that has been required within two years.

MR. EVANS: In your judgment, should not this decision as to the number of passengers allowed to be carried be determined as a result of an examination of these plans and additional tests of stability, rather than as a result of the belief of the local board?

THE CORONER: I would like to know upon what that belief is based?

MR. REDFIELD: Section 4464, the inspectors shall state in every certificate of inspection of steamers carrying passengers, the number of passengers, and to which class any such steamer is.

DR. EVANS: Isn't a fact the carrying capacity with prudence and safety is left up to the caprice and the judgment of a man who may have little or no qualification for that?

MR. REDFIELD: Two men. The men are examined and can only get into the service after an examination which does show, and which practical experience shows to be able to handle this work satisfactorily. He must have had an experience of at least five years. Now, my own feeling is that, although I am frank to say Mr. Foreman, it is not based upon this accident, because I want to say to you with the utmost candor, that I have seen no evidence as yet that shows that this vessel was unstable. I want to point out to you that as yet we do not know why this vessel overturned. We are here to find out—we are going to find out, and until that is determined, we can't for an instant argue that she was overturned because of her load. I respectfully submit that there is no evidence that shows that the number of passengers on board this vessel was the factor in her overturning. If we were, our course would be very simple, we could discuss the only thing, the question of the change of the law. But what are the facts which face us. This is not a new ship. She has navigated for twelve years. She has been navigated in the rough waters of Lake Erie; surely rougher as a rule than the lake by Chicago—than the waters of Lake Michigan.

A JUROR: How long would you say it must take to test whether a vessel was unstable or not?

MR. REDFIELD: She has had twelve years, during that time she has been through very heavy weather. One of the representatives of one of the press associations and his wife were passengers during a heavy gale and she weathered successfully and without any question. There has been, speaking now in advance of the event of the inquiry, frankly knowing nothing of the inquiry—there has been in my belief some factor here, yet undiscovered, which has caused this vessel, hitherto abundantly able to keep upright with heavier loads, to overturn.

A JUROR: Mr. Secretary, that is not consistent with the record we have here.

MR. REDFIELD: We are not disposed to be in conflict, but it is the fact that we know she has never overturned before. The situation that we are here to determine is what the factor was, to us as yet unknown, which made a vessel, which has carried heavier loads, of which we have official record of having carried, and which has carried heavier loads in rougher weather—what made the vessel turn over at her dock, we don't know what it was; but we want to find out. In our judgment there is some contributing cause here, but what it is, we do not know. We can only surmise until we see. Now we have employed or ordered to be employed divers to examine that ship before hand is laid upon her to come to the surface. Before the wrecker touches her, we have requested the Chief Engineers in this district to make special soundings in that river to see what the condition of the bottom there is. We know within a very short time that a sudden and unexpected shallow spot was found in the river from dumping, and that an officer has called the attention of the city officials to the importance of an inspection there to prevent filling of the stream in that way. Those of you who have ever been on board a vessel when she is aground could tell something about it. I don't know whether this vessel was aground or not. I have no information until I have gone into the matter. As yet no facts have developed which would permit anybody to say what caused this accident until the vessel herself and the whole thing is examined. Candidly nobody can say what caused it to overturn. We know certain facts, but we don't know them all. We don't form any opinions until we get the facts. If you have been on board a ship when she is aground, you would know whether she is aground in whole or in part, what the action of the ship is. A ship will shake about more noticeably if the metacentric height is very low, even thought she be a perfectly stable ship. While, of course, in our own inquiry which we hope to commence tomorrow, we shall go with the greatest thoroughness into the stability of the ship, none the less, we want to know a lot of other things. Now I am not attempting in the faintest opinion to forestall you. There have been things said which are very ignorant. Now for example,

there has been talk about water ballast, but all the modern vessels of the ocean are water ballast, and every battleship of the United States navy is water ballast. Water ballast properly handled is the most stable form, or a stable form, so much so that, it is the modern practice in a great many vessels. As a general proposition water ballast is admitted the modern practice on the best ships and most costly, and the ships which are most stable, for example in a ship that is designed not merely for safety, but for a gun platform, requires the most absolute possible stability from motion of any kind, are designed for that purpose with water ballast. We have wandered a long way off.

A JUROR: We are talking about the basis of the allowance for carrying capacity.

MR. REDFIELD: That rests with the local board.

A JUROR: When the decision to allow this boat to have 2,500 rather than 2,250 what are they supposed to have for the basis, is there any rule or any figures that they go by when they come to that conclusion?

MR. REDFIELD: If I want to ask you—if you figure out the same problem that this man figured out, when he figured the number from 2,250 to 2,500, he figured they had to add five six-foot rafts.

Q. On what rule and what figures would you base your conclusion, your final opinion on what should be done? A. Personally, I don't believe in it. The establishment of any rule for the basis of passenger allowance has been sadly denied by the Department time and time again. The Department has been asked for a rule to carry into effect Section 4464, which gives to the local inspectors the absolute authority to specify the number of passengers that a vessel may carry with prudence and safety. As I have said, the Department has denied any modification of that responsibility. We have denied any modification of that responsibilty and have told the inspectors that it is a responsibility that devolves upon them, and one which they can neither avoid nor decline, and why? For this reason, Doctor: the inspectors who inspect this vessel know her service, they know the waters upon which she is engaged, and they know the various ports which she enters, South Haven, St. Joseph, Muskegon, Grand Haven, Chicago, etc. The method of the local inspectors is this. I say this from my knowledge and experience. I never did it myself, but I know generally how they do it. The available deck space for passengers is measured up. If a vessel carries freight on her main deck, or if there is a possibility of her carrying freight on her main deck, that available space for passengers is deducted, because it may be possible to put freight in there, and there will be no room for passengers. A vessel of the same length, same beam and same lines, probably will not maintain the same condition of stability as another vessel of like character. They differ in their stability, they differ just as much so as the disposition of men. One boat will stand up nobly under 1,500 or 1,600 people and another boat of the same lines probably won't stand up under 1,200 or 1,300 people. We have amply demonstrated that. The inspectors, Dr. Evans, being largely familiar with the boat, with the service in which she is to be engaged, measure up all this available deck space, and so from their knowledge of the vessel and from the other experience with this vessel, say she may have so many passengers. The limit is set probably at 2,500. We will take the Eastland as an example. We will allow you 200 passengers. For this 2,500 passengers you must have life preservers for each and every passenger and every member of the crew. For each and every person on board there shall be provided a life preserver, this is a provision of the law that is no rule or regulation. The rules and regulations show that if this vessel operated more than three miles off shore between October and May she should carry life-boat or life-raft equipment for all persons on board, 25 per cent of which may be in life-boats and 75 per cent of that equipment in life-rafts. From May until October the chances of storm are remote, and where the water is warm and people may be sustained upon life preservers, the chances are

they will live and you may operate this vessel with 30 per cent of the number of passengers in life-boat and life-raft equipment and 25 per cent in life-boats, and 75 per cent in rafts.

MR. HOYNE: Just right there, that fact radically lead to the Seaman's Act and that—

MR. REDFIELD: If you will pardon me, that lead to the correspondence between the owners of the Eastland and me, which I presume is before you, in which I notified them that on the 14th of this month that the Seaman's Act, if it was true as they stated, if they had no more room for boats and rafts, would in such event operate automatically to reduce their capacity for carrying passengers to 1,552. That was regardless of what Mr. Reid or what Mr. Eckliff said.

A JUROR: That information was in their hands?

MR. REDFIELD: Yes, sir. I will state that was not in Mr. Reid's hands, in the hands of the steamboat company, in Mr. Hull's hands.

A JUROR: Was in the hands of the people who owned and operated the boat? A. Yes, sir, and I further told them in that event, I deemed that specific number was in the interest alike of public safety and public policy, and in the interests of the country itself.

Q. Was that information in the hands of the people—of the checkers?

MR. REDFIELD: They could not have used it if they did have it.

MR. HOYNE: What did you say that automatic reduction would be, what per cent?

MR. REDFIELD: It would be assuming, Mr. Attorney, that their statement was true—I thought you had the whole papers before you.

MR. HOYNE: We have not Mr. Hull's papers, no.

MR. REDFIELD: They had entered a protest against the Seaman's Act, a general protest asking me to hold up the law, and I replied by saying that the power was not in me to hold up laws, that I could not select between them which I could hold up and it was my purpose to administer it with such care and courtesy as I could. I asked them specifically what their complaint was, to which they replied in a letter stating that their capacity was 2,500 and 70 members of the crew, 2,570, that they had now all the space available for life-boats and life-rafts occupied, that they had no more, and that since they had no more space, under the Seaman's Act they presumed it would reduce the number of passengers carried. That was one of their complaints, and the other was that they would have to have a certain number of life boatmen in the crew. After consulting with the steamboat service to get the exact facts and looking up the law, I wrote them if it was true that they had no more space for life-boats and life-rafts, that fact under the Seaman's Law which required them to have 50 per cent, would operate automatically to reduce their number from 2,570 to 1,552, and that without criticising them, I said that I understood that they complied with the law. I deemed such a change necessary not that change in exact numbers but that kind of a change in the interest alike of the company and of public safety and of public policy. That letter was mailed from Washington, D. C., to Mr. Hull on the 14th day of July.

Q. And was it acknowledged? A. I don't know. I left the city on the next day.

MR. HOYNE: This is what is known as the LaFollette Bill? A. Yes, sir.

MR. REDFIELD: That becomes operative on the 4th of next November and operated as regards this vessel, and had she survived on June next when she goes into operation, she would be required to make the readjustment, not taking account of the fact that it would take nearly a year for readjustment.

A JUROR: But it didn't apply on the day that this accident happened?

MR. REDFIELD: No. It does not become effective until the 4th of next November.

A JUROR: These plans that you have, these plans coming in, are they gone carefully over by a naval architect?

GEN. UHLER: No sir. The rule went into effect two years ago. When the builder of every steamer of more than 100 ton are submitted to the local inspectors of the district in which it was being built, the plans in detail and general specifications of the construction of that ship, her plates, her scantling, her rudder and everything about her in detail, and if a wooden ship, the thickness of plank, thickness of walls, and the details of the ship. That sir, was not for the purpose of passing upon the plan, the construction and safety of that ship, gentlemen, and I will explain it. It was for the fact of having before the local inspectors the strength and the construction of that ship when she was new, so that five years hence, six, seven, or eight, or ten years hence when deterioration was noticed in the hull or in the scantling of that vessel, they could refer back to the original plan and say when originally built this vessel was of such construction, her plate was so thick, her plate was of such a weight, her scantling was such a size and weight, and it would be more easy to determine the actual ratio of deterioration, than it was to pass upon the plans of original construction. That is what the board had in mind when they did it. For this fact, sir, that cases had come before us of deterioration and on account of deterioration in scantling and in plate, the inspectors have refused to pass the vessel. They would then produce a statement from the ship builders, those who constructed the vessel and perhaps produce their plans that her original construction was 12 or 15 per cent in excess of the classification, so that, with the deterioration of 15 per cent, she was still as good as she would have been under the requirements for original construction. In other words if the law said you have to have a quarter of an inch steel plate and you allow it to wear and when the steel becomes thinner, you cannot come along and say it was more than an inch originally.

A JUROR: But the fact that she was a stable or unstable vessel, or whether she was cranky or stiff or rolled with a crowd on her deck, that was not taken into consideration?

GEN. UHLER: Never has been. That fact was not taken notice of or checked up.

MR. HOYNE: In reference to these plans, do I understand now under your interpretation of the law that these plans must be filed at the time of the application?

GEN. UHLER: No, at the time of the construction of the vessel.

MR. HOYNE: In other words then you have no plans and specifications of the Eastland?

GEN. UHLER: We have no plans, except of these vessels that were built since the approval of that, that is not a law that is a rule.

GEN. UHLER: Suppose this vessel had, as she was allowed, a capacity of 2,500 people and the owners of the vessel would say we don't want to carry 2,500, we only want to carry 1,000 people, and we want you to limit us in our certificate of inspection to 1,000 people, for which we purpose to instal 30 per cent of life saving equipment for 900 people, which would be equipment for 300, the rest would be equipped with life preservers, etc. 60 days hence, perhaps they would come along and want to carry 1,500, and we would say your vessel is fit for 2,500 people which has already been determined from our measurements. If you want to carry 2,500 people, put on life saving equipment to meet the extra 500 and we will give you the permit, until it gets probably up to her limit, but after she is up to her limited capacity, after the vessel's capacity was determined, it would make no dif-

ference Dr. Evans, how many life-rafts she had, she could not go beyond the limit of the vessel.

A JUROR: How was that capacity determined?

MR. REDFIELD: That capacity is determined, as I tried to explain a while ago, by the local board, and all of them don't adopt the same methods.

Q. You spoke of measurements a while ago, superficial deck space, floor space.

GEN. UHLER: Yes, sir. Available deck space for passengers, they carry so many passengers on the main deck, so many on No. 2 deck and so many on No. 3 deck. As in the case of the Eastland when she had the old hurricane deck, as you may remember, the hurricane deck was measured up. Here is what happens, and it happens in the various districts that may get hold of the boat which is ordinarily fit to carry and does carry 1,600 to 1,700 people. Now captain you must carry at no time more than 200 people on this upper deck. You have space here for 800, but you must not carry more than 200. On lots of vessels under our jurisdiction when they get 150 or 175 or 200 people on there is a rope placed across there and nobody more is allowed to go up, and so on the other decks, and if there is a possibility of there being carried freight on the main deck, that available space is cut out entirely because they may put freight there. If they put freight there, it is not available for passengers. Now judgment and the discretion of men are not always the same, and they take into consideration also the stability of a ship as they know it, and let me tell you how they know her.

MR. HOYNE: Do you believe that any authority or any discretion should be vested in the local inspector in a certificate, to say for instance that the capacity of the boat to go anywhere may be 600, or if you will keep within five miles of shore you can have 3,000?

MR. REDFIELD: He merely applies the higher rule. That does not come in in figuring her stability, but the five-mile limit or the three-mile limit is rather for the purpose of letting these boats who navigate prudently; if anything should happen they may go to the beach quicker.

A JUROR: They can beach the boat? A. Yes, sir.

Q. But you don't figure in the building of that boat whether it is going to turn over?

GEN. UHLER: Let me explain this, I don't suppose that there is a building in Chicago today from the smallest to the highest, but what has been built upon the acknowledged authority of stress and strain and force and ballast. Designers, architects, builders, accept the rule of Ragan or Hess in masonry. They accept whoever may be authority on that. Upon stone they accept the experiments of somebody who is an authority on stone and they put it together. The construction of that building is based upon these authorities, which are acknowledged and accepted by architects and builders as being absolutely correct, because they have been demonstrated.

THE CORONER: That is very true, but these things are all based and figured upon tensile strength and a set rule are they not? A. Yes, sir.

MR. REDFIELD: Pardon me just a minute, there isn't an eye beam or plate girder in this country over 24 inches wide that is not based upon guess work. Our duty in our department is the determining all the laws by tests, which give all these things. That law seems to work out very satisfactorily. The Quebec bridge failed and carried men to its death, because the judgment of large bridge builders is unknown. The architect provides and submits the plans and his construction is based upon the best authorities as a matter of course that are available and the building is constructed upon that plan.

Q. Your inspectors don't go by any authority?

MR. UHLER: We must acknowledge some authority as the basis. You have never drank a gallon of sea water; if you had, of 32 per cent salt, you

would have to acknowledge the fact that seawater has a certain saturation. I have tried it myself. They accept the water that it is what it is, and the bodies and the metals, stress and strains and forces, are the result of experiments alone and from these experiments we develop their strength and the building has been completed from plans submitted by the architect and your inspectors go over these plans and we say that these plans are absolutely correct. As to the authorized basis for this construction, we accept the authority of Rentgen or we accept the authority of Hess, and we accept the authority of Bacon. They have been made in conformity therewith, and you can't say that you have ever practically demonstrated whether they are able to stand up under a 100-mile gale of wind. It is not possible to test the strength of that building and it is not possible to test the truth of these plans. Actual demonstration is the only thing that will test that.

A JUROR: The mehod of determining how many passengers shall be allowed on a boat is as follows: The local board examines the vessel and they measure up her floor space on the different decks?

MR. REDFIELD: Available deck space; yes, sir.

DR. EVANS: They take into consideration in measuring the fact that certain space may be used for other purposes, and therefore may not be available for passengers?

MR. REDFIELD: Quite right.

DR. EVANS: They also take into consideration the fact that some of that floor space may be a long ways above the center of gravity and some of it not so far above, and that in consequence of that they sometimes say that a certain deck shall carry only a certain number, and a certain other deck shall only carry another number, but they have no way of seeing whether that particular instruction is carried out. They also take into consideration certain other factors. For instance their knowledge of the character of the water, its buoyancy, its depth, its wave, its stream, its current, etc., and the general reputation of the vessel. These are the only things that are taken into consideration. The testimony that has come from certain sources that nine square feet is allowed is incorrect?

MR. REDFIELD: Absolutely. It is in a general way correct but it is not correct in that all of these other factors serve to modify it.

DR. EVANS: So that there is no definite allowance of a square foot space that is left to the discretion of the local board?

GEN. UHLER: Quite right.

MR. REDFIELD: I wish to state that this is the law, it is not the act or rule of anybody.

MR. HOYNE: When you say it is the law, do you understand from the statutes and the advice of the Attorney General and every authority you can consult, and the decisions of the Supreme Court that your department have no power to promulgate rules relative to the action of the local board, or do you mean to say we won't do it, that you must do that?

MR. REDFIELD: My understanding of it is that the law places that responsibility wholly upon the local board, but there is a factor in this Dr. Evans does not get and an important factor, if you will pardon me, that I forgot about. These two men will be here tomorrow and will be at your service. We shall examine them ourselves. We have to promote public safety in the same connection, gotten the consent of Congress at the last session to a traveling inspector, whose duty it is simply to travel on board ships and see how they actually behave in service, and that officer having completed some months of duty is at this moment coming along the Great Lakes here. He travels as a passenger on vessels for the very purpose of observing their behavior.

DR. EVANS: My reason for keeping at this was, we have had a good many cross questions back and forth and I wanted to see that we understood what your position was, and I have stated it, that is I have stated your position.

MR. REDFIELD: Yes, sir. That nine square feet cannot enter into the question, because of the fact that in a great many instances, and on perhaps a great number of instances, three square feet has been considered a comfortable space, and if they had a space three square feet, they would have a place to set a chair and place to move around.

DR. EVANS: You made one further point that didn't bear directly upon this question, but was your opinion. Your opinion is that this method of inspection is the best method, as I understand it, because you said that in the last analysis, so far as all of these calculations are concerned, they are really shrewd guesses, that is about correct, isn't it, that this way of determining what the capacity of a vessel should be—that is the way that is now in vogue—is a good way and is better than any other way that could be devised. Do I quote you correctly?

MR. REDFIELD: I believe it is the best way; I believe it is the only way.

DR. EVANS: In those vessels built by the United States Government, owned by the United States Government, and operated by the United States Government, is it the way that is employed?

MR. REDFIELD: I will answer that; we operate in our department a fleet of 120 or 140 vessels.

DR. EVANS: Is it the way in the Department of Commerce? A. Yes, sir.

DR. EVANS: Is it the way in the Navy Department?

MR. REDFIELD: I think not. The question of carrying people does not enter into the construction of military vessels at all. The great question in military vessels is the gun platform, is she able to carry her gun platform properly.

DR. EVANS: In order to determine the stability of a naval vessel their calculations are not left to the opinion of inspectors?

GEN. UHLER: They calculate it just exactly the same, Dr. Evans, as we calculate merchant vessels.

A JUROR: Not correct.

ANOTHER JUROR: Absolutely not correct.

MR. REDFIELD: When you design a man-of-war, her load curves and her other curves are laid down and when she is launched, you got her to an inch. For certain vessels we know what the real factors are by tests we have made, absolutely, just like I design an engine, it is not a guess, it is a knowledge of facts. Let me get upon the record here that I have been repeatedly informed by naval officers that such and such a vessel was a mistake, that she was cranky, that she was unsteady, and for some reason or another unservicable. Experience had proven that the calculations were in error. One thing I want to get upon the record here, these two officers will be here for the purpose of our inquiry, and in a general way, I suppose we shall take them up first, and then they are at your disposal. Now, finally, I am perfectly willing, Dr. Evans, perfectly willing to ask Congress for the authority we don't now possess, namely the authority to employ a surveyor and for authority to put him on board of private vessels and determine her metacentric height. We have not that authority now. If we had $100,000 now, we could not expend a dollar for that purpose.

A VOICE: The record now shows that the figuring of the stability of a vessel in the Navy Department is one of calculation and in the Commerce Department is one of assumption.

MR. REDFIELD: Not at all, our naval architects estimate the metacentric height. We treat it as the navy does. He is speaking not of the public vessels, but of the merchant service. We are speaking of the fleets of our Department. We have three fleets. We are just at this present time building two large vessels and we figure the metacentric height precisely as the navy does, but in their service, in the service for which the vessels are in use, to my knowledge they go to work to determine their stability, and the navy must candidly admit that their calculations at times have been in error.

A JUROR: The fact is in your Department as well as in the navy these calculations are made and in every private ship yard and I have every reason to suppose they were made and we propose to find out for the Eastland.

MR. HOYNE: I have been trying to find out whether it is either because of your construction of the law or departmental construction of it, or because of the decision of the Supreme Court, that you cannot fix and announce to your local inspectors some standard for this inspection, or whether merely you won't do it?

MR. REDFIELD: I don't think we have the authority to do it. The statute distinctly says 4464, that the number of passengers shall be determined by the Board of Local Inspectors.

MR. HOYNE: And you would not say as the superior of that Department that you could pass any rules or regulations of this kind?

MR. REDFIELD: I understand that that has been the construction of the Department on that statute that we cannot. The question has not come directly to me. We can make rules governing our service, but we cannot make any rules that will violate or supersede the provisions of the United States statutes.

A JUROR: Your opinion is that any rule thus made would contravene the statute? A. Yes, sir. Under the law we are obliged to follow Mr. Thurman's opinion until it is overruled by the Attorney General, so that being his view expressed to us is our guide under the law.

A JUROR: You favor that construction as to determining by guess work this question of a vessel's capacity?

MR. REDFIELD: Well, in the first place, I object to the phrase, guesswork. I don't think it is fair. I explained, I said at the beginning, did I not, that I thought there should be allowed a review of the local board's decisions, which we have not now the power to do. I can send a superior officer to these inspectors to see whether that allowance is ignored or not.

THE CORONER: Secretary Redfield, the evidence shows that a special representative of the organization that loaded this vessel stated that he personally went on the various decks and found them so crowded that he could hardly move between them, I am trying to arrive at the judgment exercised by the officer who allowed the 2,500 passengers on this vessel.

MR. REDFIELD: I would like to question that man at length; that really means nothing. Let me illustrate. It is our habit at unexpected places and when we are not known to be near to carry out what you may call surprise inspections and counts. Some few weeks ago, being on the Delaware River, I noticed a vessel which looked to me very, very much overcrowded, and when I got back to Washington, I immediately demanded the count of that vessel, and she was 600 within the limit. Everybody had gone to two spots on that vessel and she was entirely empty at other places.

Q. This man was delegated to supervise the entire crowd on this particular vessel, and he says his investigation on the respective decks were they were so crowded he could hardly get through?

MR. REDFIELD: That could be possible, was she so crowded everywhere inside. I should like to examine that man in detail and see what took place elsewhere. I have known of that condition to prevail. Let me suggest to Dr. Evans another thing. We must have, in order to act, two things, authority to use money and the appropriation of the money, which I want to have secured and we should have to have the precise Congressional authority, not only to do the act of surveying but employ the surveyor, then after that we should have a special appropriation for that purpose. It constantly happens that we have the one without the other. In this case we have neither. There arises a question which I know is very hard to handle, which is the lake problem as it now stands. We have so few men for the lakes, that we are ordering them during the spring season from all over the country to help us out. Our men in Buffalo work habitually from 7

in the morning until 10 at night for weeks together in an effort to get this work done and in last December I went to the New York Maritime Assocation and told them plainly so long as we have insufficient men and so long as we were compelled to work them these long hours, certainly something very serious was going to happen and appeal to them to help us get a letter out of our estimates to Congress, which embodied our thought of the service that we need more men for the Great Lakes.

THE CORONER: This is interesting to me, I never knew that for instance, the large buildings, such as is being built here at the next corner, twenty stories high, that the stability of that building is based upon guess work.

MR. REDFIELD: It is not.

THE CORONER: Isn't that what you said?

MR. REDFIELD: No.

MR. WOOD: Now, Since Mr. Redfield has spoken as to the Government getting plans for the vessels for the last two years something occurred to me, and that is this: It has never been considered for the twenty-five years' experience I have had that the passing on the strength of vessels was a function of the United States Steamboat Inspection Service, nor the fixing of the scantling of vessels. You might ask the question why. It has not been considered by naval architects nor shipbuilders and the reasons are this: These vessels are built in conformity with a class of rules and classification societies. There is in the French rules, which society rules are used in this country, the American Bureau of Veritas, the American Bureau of Shipping, New York their headquarters. There is on the Lakes, the Great Lakes Register. There is also on the Lakes Lloyds, a branch of the English Lloyd Society. Now these rules for the constructions of vessels are the result of the experience of the best shipbuilders in the world, from practically all of the finest vessels afloat.

MR. REDFIELD: Over many decades?

MR. WOOD: Yes, sir; and these rules are revised annually, in England Lloyd's rules and the rules in the United States have been copied to a great extent from the rules in England, with the necessary changes made to meet the local requirements of coast vessels on the Atlantic and Lake vessels, and the coast service. Now, the question may be asked why isn't it necessary for the United States Steamboat Inspection Service to pass upon the qualifications or the strength of ships. This is the reason they are not: These rules give for a vessel of given dimensions, a certain length, a certain beam and a certain bottom and numerals are worked out and from these numerals we look up the rules for the scantling, and it gives in detail every plate, angle, board, section of any shape that goes into that ship, the size of the riveting, the thickness of the bulk heads, the width of the seams and specifies what is to be made water-tight and what is not, and what is called stock space. Now the question might arise, what is to prevent the vessel owners or naval architects from designing a ship and not complying with these rules. Well it is a simple matter and it is this: that there is no underwriting society in the United States would give them insurance. The first thing the underwriter does is to secure the ship's classification, what societies has this ship been built by, they say the Great Lakes Register. Where is your certificate and they present the certificate signed by the Secretary of that register, he has had an inspector on the boat while she was building, and if they can produce a certificate from the Bureau of Veritas, from Lloyds, from the Great Lakes Register or the American Bureau of Shipping or some other of the classification societies who have published these rules, and every architect, every naval architect has in his possession a copy of these rules and every shipbuilder has two or three copies in their file. If they cannot produce the certificate from one of these registered societies, they cannot get insurance on that vessel.

MR. REDFIELD: Or her cargo?

MR. WOOD: Yes, sir. What owner of any vessel is going to run or operate a vessel without insurance? That, gentlemen, is the impression that ship builders and naval architects have, or the reason they have always considered that the United States Steamboat Inspection Service have had nothing to do with the construction and strength of their steamers or sailing ships, because it was considered entirely unnecessary.

Another point, I would like to make in regard to the stability of ships. It has always been a practice in the largest and best organized ship yards, and in many of the smaller ones, both on the coast and on the Great Lakes to have in their employ what is called the scientific staff, and that is one or two very capable either graduate naval architects or experienced ship draftsmen, who are competent to calculate the stability of the ship they are about to design, unless in many cases she is a duplicate or so nearly a duplicate of some other vessel that they have already built and they consider it unnecessary to do so. Naval architects and consulting engineers of any standing or reputation, who are employed by the vessel owners to design their ships for them and superintend the construction, are usually employed for that purpose, with the object in view of getting this consulting naval architect to investigate thoroughly the particular requirements of the trade and route of the vessel that they are contemplating designing. This naval architect if he is a prudent man and knows his business or well up in his profession when he designs that vessel, if she is not similar to some other vessel whose performance he knows, he will make himself, or employ some of his experienced draftsmen, a complete set of stability calculations to determine whether the vessel will stand up under the load she is expected to carry. These calculations, I may add here, incidentally take from eight to ten weeks to make and involve the knowing of the weight of every article which is aboard and elevated on the ship, from even the safe in the purser's office. He has also got to calculate the center of gravity of every place in the hull of that ship and its distance from a given point in the amidship part of the hull. He has also got to calculate the center of gravity of every weight that is placed upon that ship, both longitudinally and vertically. There are two series of calculations made, one is the longitudinal metacentric height for pitching and the other is the transverse metacentric height for rolling, the two motions that the vessel encounters in a seaway. The other method of determining the stability of a vessel is after she has been built and completed. That is frequently done. It is called the inclining experiment. That is frequently done to check up the naval architect's calculations, because as can be easily surmised in the preliminary stages of the designing of a vessel, many of the weights must be very approximate. Not having been weighed on scale, but their weight beng calculated, this inclining experiment has been in vogue for many years and is done by the best ship builders on the Atlantic coast and in Europe. I have made inclining experiments for some of the largest ships afloat, built by the Harlin & Wolf Ship Building Company in Belfast, Ireland. These experiments necessitate not only the use of about 15 to 20 laborers, but the weight of from 10 to 15 tons of ballast, usually pig iron or heavy plate, moved from the middle line of the ship to the starboard side and back to the middle line, and then moved to the port side. The distance moved from the middle line of the center of gravity of this weight on each side is carefully noted. Pendulums, depending on the length of the vessel, are hung at various points in the vessel's length. These pendulums are measured and also their inclination, both to port and to starboard, and from the data taken from these various movements we calculate the metacentric height above the center of gravity of that ship. But for the completion of that calculation, it is also necessary to have the displacement of that vessel at the draft at which the experiment was made. The displacement means in the layman's language the weight of water displaced by the vessel at the draft at the time of in-

clination, and that weight is equal to everything aboard and aloft that vessel, including the laborers, the scientific men or everyone else that is engaged in the experiment. That is what is called a stability experiment or the inclining experiment. This work is always done by and taken care of by competent ship builders and is one of the reasons why we have so few disasters from unstable ships.

MR. REDFIELD: In what company was the Eastland insured?

MR. WOOD: I could not say: I didn't hear.

A VOICE: Lloyds.

MR. WOOD: They come under the rules of the Great Lakes Register and are inspected by the Great Lakes Register.

A VOICE: If you had their surveyor who surveyed the ship before you, he is the final authority.

A JUROR: Not yet.

MR. WOOD: They examine their plans and pass on their plans; before the ship builders express an opinion as to whether the vessel is stable they talk with their surveyor.

THE CORONER: Mr. Wood, you have given the jurors in this case a written report and in that report, I believe there is something said about the stability of the Eastland is there not?

MR. WOOD: Yes, sir.

A JUROR: For the information of the gentlemen, might we hear as to the stability, in your opinion of the Eastland?

MR. WOOD: Yes, sir, certainly.

MR. REDFIELD: I would suggest, would you be willing to appear before our committee and testify fully on the subject of the stability of the Eastland?

MR. WOOD: I would have to ask Mr. Hoffman. I have been retained by him.

THE CORONER: We have this report. I presume there would be no objection. This record will be a public record. The report of Mr. Wood will be embodied in that record. There is no reason why it should not be made public.

MR. REDFIELD: The only thing is this, we should like the privilege of asking Mr. Wood any questions that may occur to us from seeing his report.

DR. EVANS: There is another matter I would like at this time to discuss.

MR. REDFIELD: We have taken a great deal of the time of you gentlemen.

DR. EVANS: There are just one or two little questions we would like to ask, do you know that any tests for stability on the Eastland have been made by your department anywhere at any time so far as you know?

MR. REDFIELD: We have not asked yet.

DR. EVANS: Have any been made at any time in the past?

MR. REDFIELD: No, I think not.

DR. EVANS: Any records in your office relating to the building of this ship?

MR. REDFIELD: We have sent for them. We have sent for the drawings.

DR. EVANS: You have building plans that have been brought into your office relating to ships?

MR. REDFIELD: Yes, that have been built within two years, but not this one. This ship was constructed in 1902 or 1903. We have sent to the ship builders for the plans.

I, W. K. Alkire, do hereby certify that at the request of the Coroner of Cook County, Illinois, I took down in shorthand the minutes of the foregoing testimony, had and taken at the inquest on the body of Kate Austin, et al deceased, that the foregoing transcript of the evidence so taken and transcribed by me is a true and correct copy of the original minutes taken at said inquest and is a true and correct statement of each of the several witnesses who have testified at said inquest.

In witness whereof, I hereunto set my hand.

W. K. ALKIRE.

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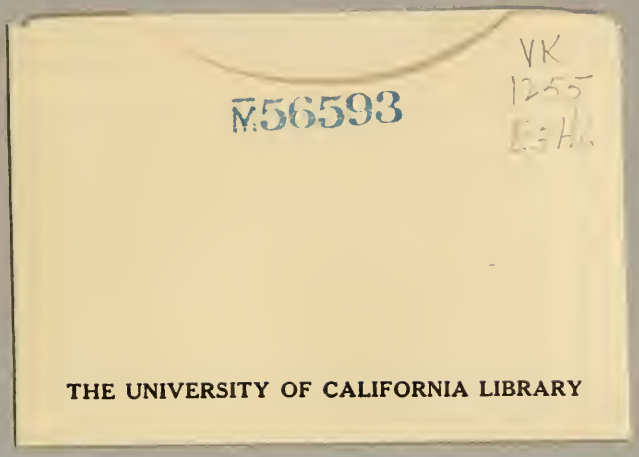
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